



House of Representatives

General Assembly

File No. 581

February Session, 2018

Substitute House Bill No. 5562

House of Representatives, April 19, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE AND CONCERNING THE TRANSFER OF JUVENILE JUSTICE FUNCTIONS TO THE JUDICIAL BRANCH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any
2 provision of the general statutes, on and after January 1, 2021, the
3 Department of Correction shall not hold in its custody any person
4 under eighteen years of age.

5 (b) (1) The Departments of Correction, Children and Families, and
6 Education, and the Court Support Services Division of the Judicial
7 Branch, shall jointly develop a plan to implement the provisions of
8 subsection (a) of this section.

9 (2) Such plan shall ensure that persons who are under eighteen
10 years of age, but who are prosecuted on the regular criminal docket,
11 are detained and incarcerated in a safe, secure, and developmentally
12 appropriate environment that is used exclusively for the detention and

13 incarceration of persons under eighteen years of age.

14 (3) The plan shall include recommendations for any legislation that
15 may be necessary or appropriate to implement the provisions of
16 subsection (a) of this section, and recommendations for programs,
17 services and supports that should be provided to or for detained or
18 incarcerated persons under eighteen years of age who are prosecuted
19 on the regular criminal docket.

20 (4) Not later than October 1, 2019, the plan shall be submitted, in
21 accordance with the provisions of section 11-4a of the general statutes,
22 to the joint standing committee of the General Assembly having
23 cognizance of matters relating to the judiciary and to the Juvenile
24 Justice Policy and Oversight Committee established pursuant to
25 section 46b-121n of the general statutes, as amended by this act.

26 Sec. 2. (NEW) (*Effective from passage*) Not later than July 1, 2018, the
27 Commissioner of Education shall begin implementation of the
28 community-based diversion system developed pursuant to subsection
29 (k) of section 46b-121n of the general statutes, as amended by this act,
30 provided the commissioner can implement such system within
31 available resources. Prioritization for resources shall be given to the
32 highest need school districts, as determined by the number of prior
33 court referrals and school district readiness for implementation,
34 provided such plan shall be fully implemented not later than June 30,
35 2020.

36 Sec. 3. (NEW) (*Effective from passage*) Not later than July 1, 2018, the
37 Commissioner of Education shall begin implementation of the school-
38 based diversion plan developed pursuant to section 11 of public act 16-
39 147. Such plan shall be fully implemented not later than June 30, 2020,
40 provided the commissioner can implement such plan within available
41 resources.

42 Sec. 4. Subsection (g) of section 10-253 of the 2018 supplement to the
43 general statutes, as amended by section 24 of this act, is repealed and
44 the following is substituted in lieu thereof (*Effective August 1, 2018*):

45 (g) (1) For purposes of this subsection, "juvenile detention facility"
46 means a juvenile detention facility operated by, or under contract with,
47 the Judicial Department, and "juvenile residential facility" means a
48 juvenile residential facility operated by, or under contract with the
49 Judicial Department.

50 (2) The local or regional board of education for the school district in
51 which a juvenile detention facility or juvenile residential facility is
52 located shall be responsible for the provision of general education and
53 special education and related services to children detained in such
54 facilities. The provision of general education and special education and
55 related services shall be in accordance with all applicable state and
56 federal laws concerning the provision of educational services. Such
57 board may provide such educational services directly or may contract
58 with public or private educational service providers for the provision
59 of such services. Tuition may be charged to the local or regional board
60 of education under whose jurisdiction the child would otherwise be
61 attending school for the provision of general education and special
62 education and related services. Responsibility for the provision of
63 educational services to the child shall begin on the date of the child's
64 placement in the juvenile detention facility or juvenile residential
65 facility and financial responsibility for the provision of such services
66 shall begin upon the receipt by the child of such services.

67 (3) The local or regional board of education under whose
68 jurisdiction the child would otherwise be attending school or, if no
69 such board can be identified, the local or regional board of education
70 for the school district in which the juvenile detention facility or
71 juvenile residential facility is located shall be financially responsible
72 [for the tuition charged] for the provision of educational services to the
73 child in such juvenile detention facility or juvenile residential facility,
74 notwithstanding that the child has been suspended from school
75 pursuant to section 10-233c, has been expelled from school pursuant to
76 section 10-233d, or has withdrawn, dropped out or otherwise
77 terminated enrollment from school. The State Board of Education shall
78 pay, on a current basis, any costs in excess of such local or regional

79 board of education's prior year's average per pupil costs. If the local or
80 regional board of education under whose jurisdiction the child would
81 otherwise be attending school cannot be identified, the local or
82 regional board of education for the school district in which the juvenile
83 detention facility or juvenile residential facility is located shall be
84 eligible to receive on a current basis from the State Board of Education
85 any costs in excess of such local or regional board of education's prior
86 year's average per pupil costs. Application for the grant to be paid by
87 the state for costs in excess of the local or regional board of education's
88 basic contribution shall be made in accordance with the provisions of
89 subdivision (5) of subsection (e) of section 10-76d.

90 [(4) The local or regional board of education under whose
91 jurisdiction the child would otherwise be attending school shall be
92 financially responsible for the provision of educational services to the
93 child placed in a juvenile detention facility or juvenile residential
94 facility as provided in subdivision (3) of this subsection
95 notwithstanding that the child has been suspended from school
96 pursuant to section 10-233c, has been expelled from school pursuant to
97 section 10-233d or has withdrawn, dropped out or otherwise
98 terminated enrollment from school. Upon notification of such board of
99 education by the educational services provider for the juvenile
100 detention facility or juvenile residential facility, the child shall be
101 reenrolled in the school district where the child would otherwise be
102 attending school or, if no such district can be identified, in the school
103 district in which the juvenile detention facility or juvenile residential
104 facility is located, and provided with educational services in
105 accordance with the provisions of this subsection.]

106 [(5)] (4) The local or regional board of education under whose
107 jurisdiction the child would otherwise be attending school or, if no
108 such board can be identified, the local or regional board of education
109 for the school district in which the juvenile detention facility or
110 juvenile residential facility is located shall be notified in writing by the
111 Judicial Branch of the child's placement at the juvenile detention
112 facility or juvenile residential facility not later than one business day

113 after the child's placement, notwithstanding any provision of the
114 general statutes. [to the contrary.] The notification shall include the
115 child's name and date of birth, the address of the child's parents or
116 guardian, placement location and contact information, and such other
117 information as is necessary to provide educational services to the child.

118 (5) Notwithstanding any provision of the general statutes, a child
119 who is enrolled in a school at the time of placement in a juvenile
120 detention facility shall remain enrolled in that same school for the
121 duration of his or her detention, unless the child voluntarily terminates
122 enrollment, and shall have the right to return to such school
123 immediately upon discharge from detention into the community.

124 (6) When a child is not enrolled in a school at the time of placement
125 in a juvenile detention facility:

126 (A) The child shall be enrolled in the school district where the child
127 would otherwise be attending school not later than one business day
128 after notification is given pursuant to subdivision (4) of this subsection.

129 (B) If no such district can be identified, the child shall be enrolled in
130 the school district in which the juvenile detention facility is located not
131 later than one business day after the determination is made that no
132 such district can be identified.

133 (7) Upon learning that a child is to be discharged from a juvenile
134 detention facility, the educational services provider for the juvenile
135 detention facility shall immediately provide notice of such discharge to
136 the jurisdiction in which the child will continue his or her education
137 after discharge.

138 [(6)] (8) Prior to the child's discharge from the juvenile detention
139 facility or juvenile residential facility, [an assessment of the school
140 work completed by the child shall be conducted by] the local or
141 regional board of education responsible for the provision of
142 educational services to children in the juvenile detention facility or
143 juvenile residential facility shall conduct an assessment of the school

144 work completed by the child to determine an assignment of academic
145 credit for the work completed. Credit assigned shall be the credit of the
146 local or regional board of education responsible for the provision of
147 the educational services. Credit assigned for work completed by the
148 child shall be accepted in transfer by the local or regional board of
149 education for the school district in which the child continues his or her
150 education after discharge from the juvenile detention facility or
151 juvenile residential facility.

152 Sec. 5. Section 10-253 of the 2018 supplement to the general statutes
153 is amended by adding subsection (h) as follows (*Effective from passage*):

154 (NEW) (h) (1) On or before August 1, 2018, each eligible school
155 district shall designate and maintain at least one employee as a liaison
156 to facilitate transitions between the school district and the juvenile and
157 criminal justice systems.

158 (2) The designation required under subdivision (1) of this subsection
159 shall be made by providing the Court Support Services Division of the
160 Judicial Branch with written notice, on or before August first annually,
161 of the name and professional title of and the contact information for
162 such liaison.

163 (3) In each district, the liaison shall assist the school district, the
164 Court Support Services Division of the Judicial Branch and any
165 relevant educational service providers in ensuring that:

166 (A) All persons under twenty-two years of age in justice system
167 custody are promptly evaluated for eligibility for special education
168 services, pursuant to section 17a-65 and any other applicable law;

169 (B) Students in justice system custody and returning to the
170 community from justice system custody are promptly enrolled in
171 school pursuant to this section and section 10-186;

172 (C) Students in justice system custody and returning to the
173 community from justice system custody receive appropriate credit for
174 school work completed in custody, pursuant to this section or section

175 10-220h;

176 (D) All relevant school records for students who enter justice system
177 custody and who return to the community from justice system custody
178 are promptly transferred to the appropriate school district or
179 educational service provider, pursuant to section 10-220h.

180 (4) For purposes of this subsection:

181 (A) An "eligible school district" means a school district that enrolled
182 at least six thousand students during the school year ending June 30,
183 2017.

184 (B) "Justice system custody" means physical or legal custody or
185 control of a child in a facility or program run by or contracted with the
186 Department of Children and Families, the Department of Correction,
187 or the Court Support Services Division of the Judicial Branch, either
188 pending or pursuant to an adjudication or conviction for a delinquent
189 act or criminal offense.

190 (C) "Child" means child, as defined in section 46b-120, as amended
191 by this act, or any other person under eighteen years of age.

192 Sec. 6. (NEW) (*Effective from passage*) (a) Not later than January 1,
193 2020, the Technical High School System shall collaborate with the
194 Court Support Services Division of the Judicial Branch, the State
195 Department of Education, and any relevant private educational
196 programs to provide vocational, technical and technological education,
197 training and work experience for children in post-conviction justice
198 system custody. The education, training and work experience
199 provided shall, at a minimum, ensure that each such child has the
200 opportunity to earn at least one career and technical academic credit to
201 meet high school graduation requirements under section 10-221a of the
202 general statutes.

203 (b) Not later than January 1, 2020, the Technical High School System
204 shall amend the system's admissions criteria so that children in this
205 state who have returned to the community from post-conviction justice

206 system custody have a reasonable opportunity to enroll in the
207 Technical High School System.

208 (c) Not later than January 1, 2019, the board of the technical high
209 school system and the superintendent of the technical high school
210 system shall develop and submit a plan to implement the provisions of
211 subsections (a) and (b) of this section. The plan may be incorporated
212 into the biennial report required under section 10-95k of the general
213 statutes, and shall be separately submitted to the joint standing
214 committee of the General Assembly having cognizance of matters
215 relating to education in accordance with the provisions of section 11-4a
216 of the general statutes and to the Juvenile Justice Policy and Oversight
217 Committee established pursuant to section 46b-121n of the general
218 statutes, as amended by this act.

219 (d) For the purposes of this section:

220 (1) "Post-conviction justice system custody" means physical or legal
221 custody or control of a child in a facility or program run by or
222 contracted with the Department of Children and Families, the
223 Department of Correction, or the Court Support Services Division of
224 the Judicial Branch, pursuant to an adjudication or conviction for a
225 delinquent act or criminal offense; and

226 (2) "Child" means child, as defined in section 10-253 of the general
227 statutes, as amended by this act.

228 Sec. 7. (NEW) (*Effective from passage*) (a) Notwithstanding any
229 provision of the general statutes, not later than January 1, 2021, legal
230 responsibility for the overall coordination, oversight, supervision and
231 direction of all vocational and academic education services and
232 programs for children in justice system custody, and the provision of
233 education-related transitional support services for children returning
234 to the community from justice system custody, shall be vested in a
235 single agency of this state. Not later than January 1, 2021, that single
236 state agency shall directly operate, or shall contract with a single
237 nonprofit provider to operate, a single statewide system providing all

238 educational services and related transitional supports for children in
239 justice system custody.

240 (b) Not later than July 1, 2018, the Juvenile Justice Policy and
241 Oversight Committee shall convene a subcommittee to develop a
242 detailed plan to implement the provisions of subsection (a) of this
243 section. The subcommittee shall consist of:

244 (1) One person designated by the Commissioner of Education;

245 (2) One person designated by the executive director of the Court
246 Support Services Division of the Judicial Branch;

247 (3) One person designated by the Bridgeport School District;

248 (4) One person designated by the Hartford School District;

249 (5) One person designated by the Commissioner of Correction;

250 (6) One person who is an expert in state budgeting and who can
251 assist the subcommittee in obtaining data on relevant expenditures
252 and available resources, designated by the Secretary of the Office of
253 Policy and Management;

254 (7) Three persons, who are experts with significant career
255 experience in providing and coordinating education in justice-system
256 settings and who are not employees of the State of Connecticut,
257 designated by the chairpersons of the Juvenile Justice Oversight and
258 Planning Committee; and

259 (8) Two persons representing the interests of students and families,
260 one designated by the executive director of an organization in this
261 state with the mission of stopping the criminalization of this state's
262 children and one designated by the executive director of an
263 organization in this state that advocates for legal rights for the most
264 vulnerable children in this state.

265 (c) The plan developed pursuant to subsection (b) of this section
266 shall include, but need not be limited to:

267 (1) Identification of the single state agency mandated by subsection
268 (a) of this section, and designation of a program manager within that
269 agency who will be responsible for planning, coordination, oversight,
270 supervision, quality control, legal compliance and allocation of
271 relevant federal and state funds for children in justice system custody;

272 (2) A detailed description of how educational services will be
273 provided to children in justice system custody and how education-
274 related supports will be provided to children during transition out of
275 justice system custody, either directly by the single state agency
276 mandated by subsection (a) of this section or through a statewide
277 contract with a single nonprofit provider;

278 (3) An analysis of resources expended for educating children in
279 justice system custody and for supporting educational success during
280 transitions out of justice system custody, and recommendations for
281 consolidating and reallocating resources towards the oversight,
282 accountability, services and supports provided for in this section;

283 (4) Provisions for ensuring that a range of pathways to educational
284 and economic opportunity are available for children in justice system
285 custody, including at a minimum a traditional high school diploma
286 program, an accelerated credit recovery program, vocational training
287 programs and access to post-secondary educational options;

288 (5) Specifications for a statewide accountability and quality control
289 system for schools that serve children in justice system custody. The
290 accountability and quality control system shall include, but need not
291 be limited to:

292 (A) A specialized school profile and performance report, to be
293 produced annually for each school that serves children in justice
294 system custody. The profiles and performance reports shall be
295 consistent with other accountability systems required by law and shall
296 include criteria and metrics tailored to measuring the quality of
297 schools that serve children in justice system custody. Such metrics
298 shall include, but need not be limited to: Student growth in reading

299 and math; credit accumulation; modified graduation rates and high
300 school equivalent passage rates; school attendance, defined as the
301 percentage of children who are actually physically present in
302 classrooms for school and educational programs; the percentage of
303 students pursuing a high school diploma, an industry-based
304 certification, a recognized high school diploma equivalent, credits for
305 advanced courses and post-secondary education programs;
306 performance in educating children with exceptionalities, including
307 identification of special education needs, the development of best-
308 practices for individualized education programs and the provision of
309 services and supports mandated by individualized education
310 programs; student reenrollment in school or other educational or
311 vocational training programs after leaving justice system custody;
312 student success in post-release high school, post-secondary education,
313 or job-training programs; and compliance with the protocols for
314 support of educational transitions delineated in subdivision (7) of this
315 subsection;

316 (B) Identifying achievement benchmarks for each measurement of
317 school quality;

318 (C) Written standards for educational quality for schools that serve
319 children in custody;

320 (D) A program for quality control and evaluation of schools serving
321 children in custody. The program shall include, but need not be
322 limited to, in-person observation and monitoring of each school
323 serving children in justice system custody. The monitoring shall occur
324 at least annually, and shall be conducted by experts in special
325 education and education in justice-system settings;

326 (E) Provisions for ensuring that each school serving children in
327 justice system custody seeks and obtains external accreditation by a
328 recognized accrediting agency; and

329 (F) A set of supports, interventions and remedies that shall be
330 implemented when a school serving children in justice system custody

331 falls consistently or significantly short of quality benchmarks;

332 (6) Provisions for ensuring that the statewide education system for
333 children in justice system custody, mandated by subsection (a) of this
334 section, includes:

335 (A) The engagement of one or more curriculum development
336 specialists to support learning in schools serving children in justice
337 system custody and to develop a flexible, high-interest, modular
338 curriculum that is aligned with state standards and adapted to the
339 context of educating children in justice system custody;

340 (B) The engagement of one or more professional development and
341 teacher training specialists to support teachers in schools that serve
342 children in justice system custody; and

343 (C) The engagement of professional reentry coordinators to support
344 educational success in children returning to the community from
345 justice system custody;

346 (7) A protocol for educational support of children transitioning into,
347 and out of, justice system custody. The protocol shall include, but need
348 not be limited to:

349 (A) Team-based reentry planning for every child in justice system
350 custody;

351 (B) Clear and ambitious timelines for transfer of educational records
352 at intake and release from justice system custody; and

353 (C) Timelines for reenrollment and credit transfer; and

354 (8) Recommendations for any legislation that may be necessary or
355 appropriate to implement the provisions of subsection (a) of this
356 section.

357 (d) The plan developed pursuant to subsection (b) of this section
358 shall be submitted on or before January 1, 2019, to the joint standing
359 committee of the General Assembly having cognizance of matters

360 relating to education, in accordance with the provisions of section 11-
361 4a of the general statutes, and to the Juvenile Justice Policy and
362 Oversight Committee established pursuant to section 46b-121n of the
363 general statutes, as amended by this act.

364 (e) For purposes of this section: "Justice system custody" means
365 justice system custody, as defined in section 10-253 of the general
366 statutes, as amended by this act; "school" means any program or
367 institution, or any project or unit thereof, that provides any academic
368 or vocational education programming for any children in justice
369 system custody; and "child" means child, as defined in section 10-253
370 of the general statutes, as amended by this act.

371 Sec. 8. (NEW) (*Effective from passage*) (a) Not later than January 1,
372 2020, the Department of Education shall develop and implement a
373 plan to incentivize and support school district participation in a
374 statewide information technology platform that allows real-time
375 sharing of educational records among schools and school districts
376 statewide.

377 (b) Not later than February 1, 2019, the Commissioner of Education
378 shall provide information on progress made towards the development
379 and implementation of the plan required under subsection (a) of this
380 section to the joint standing committee of the General Assembly
381 having cognizance of matters relating to education, in accordance with
382 the provisions of section 11-4a of the general statutes, and to the
383 Juvenile Justice Policy and Oversight Committee established pursuant
384 to section 46b-121n of the general statutes, as amended by this act.

385 Sec. 9. Section 46b-121n of the general statutes is amended by
386 adding subsections (m) to (p), inclusive, as follows (*Effective from*
387 *passage*):

388 (NEW) (m) (1) The committee shall periodically request, receive and
389 review information regarding conditions of confinement, including
390 services available, for persons under eighteen years of age detained at
391 the John R. Manson Youth Institution, Cheshire.

392 (2) Not later than October 1, 2018, the committee shall submit a
393 report, in accordance with section 11-4a, to the joint standing
394 committees of the General Assembly having cognizance of matters
395 relating to appropriations, the judiciary, human services and children
396 and the Secretary of the Office of Policy and Management on current
397 conditions of confinement, including services available, for persons
398 under eighteen years of age who are detained or incarcerated in
399 correctional facilities, juvenile secure facilities and other out-of-home
400 placements in the juvenile and criminal justice systems. The report
401 shall include, but need not be limited to, a description of any gaps in
402 services and the continued availability and utilization of mental health,
403 education, rehabilitative and family engagement services.

404 (NEW) (n) Not later than January 1, 2020, the committee shall
405 submit a report, in accordance with section 11-4a, to the joint standing
406 committees of the General Assembly having cognizance of matters
407 relating to appropriations, the judiciary, human services and children
408 and the Secretary of the Office of Policy and Management regarding a
409 juvenile justice reinvestment plan. The report shall include a study and
410 make recommendations for the reinvestment of savings realized from
411 the decreased use of incarceration and congregate care towards
412 strategic investments in home-based, school-based and community-
413 based behavioral health services and supports for children diverted
414 from, or involved with, the juvenile justice system.

415 (NEW) (o) Not later than January 1, 2019, and annually thereafter,
416 the Department of Children and Families, the Department of
417 Correction and the Court Support Services Division of the Judicial
418 Branch shall report to the committee on compliance with the provisions
419 of section 46b-126a. Such reports shall present indicia of compliance in
420 both state facilities and those facilities managed by a private provider
421 under contract with the state, and shall include data on all persons
422 under eighteen years of age who have been removed or excluded from
423 educational settings as a result of alleged behavior occurring in those
424 educational settings.

425 (NEW) (p) Not later than January 1, 2019, and annually thereafter,
426 all state agencies that detain or otherwise hold in custody a person
427 under eighteen years of age involved with the juvenile justice or
428 criminal justice system, or that contract for the housing of any person
429 involved with the juvenile justice or criminal justice system under
430 eighteen years of age, shall report to committee on compliance with
431 the provisions of section 46b-121p. Such reports shall include indicia of
432 compliance in both direct-run and contract facilities, and shall include
433 data on all rearrests and uses of confinements and restraints for youth
434 in justice system custody, as defined in section 10-253, as amended by
435 this act.

436 Sec. 10. Section 46b-120 of the 2018 supplement to the general
437 statutes is repealed and the following is substituted in lieu thereof
438 (*Effective July 1, 2018*):

439 The terms used in this chapter shall, in its interpretation and in the
440 interpretation of other statutes, be defined as follows:

441 (1) "Child" means any person under eighteen years of age who has
442 not been legally emancipated, except that (A) for purposes of
443 delinquency matters and proceedings, "child" means any person who
444 (i) is at least seven years of age at the time of the alleged commission of
445 a delinquent act and who is (I) under eighteen years of age and has not
446 been legally emancipated, or (II) eighteen years of age or older and
447 committed a delinquent act prior to attaining eighteen years of age, or
448 (ii) is subsequent to attaining eighteen years of age, (I) violates any
449 order of the Superior Court or any condition of probation ordered by
450 the Superior Court with respect to a delinquency proceeding, or (II)
451 wilfully fails to appear in response to a summons under section 46b-
452 133, as amended by this act, or at any other court hearing in a
453 delinquency proceeding of which the child had notice, and (B) for
454 purposes of family with service needs matters and proceedings, child
455 means a person who is at least seven years of age and is under
456 eighteen years of age;

457 [(2) "Youth" means any person sixteen or seventeen years of age

458 who has not been legally emancipated;

459 (3) A child may be found "mentally deficient" who, by reason of a
460 deficiency of intelligence that has existed from birth or from early age,
461 requires, or will require, for such child's protection or for the
462 protection of others, special care, supervision and control;]

463 [(4)] (2) (A) A child may be [convicted] adjudicated as "delinquent"
464 who has, while under sixteen years of age, (i) violated any federal or
465 state law, except section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or
466 53a-223a, or violated a municipal or local ordinance, except an
467 ordinance regulating behavior of a child in a family with service needs,
468 (ii) wilfully failed to appear in response to a summons under section
469 46b-133, as amended by this act, or at any other court hearing in a
470 delinquency proceeding of which the child had notice, (iii) violated
471 any order of the Superior Court in a delinquency proceeding, except as
472 provided in section 46b-148, or (iv) violated conditions of probation
473 supervision or probation with residential placement in a delinquency
474 proceeding as ordered by the court;

475 (B) A child may be [convicted] adjudicated as "delinquent" who has
476 (i) while sixteen or seventeen years of age, violated any federal or state
477 law, other than (I) an infraction, except an infraction under subsection
478 (d) of section 21a-267, (II) a violation, except a violation under
479 subsection (a) of section 21a-279a, (III) a motor vehicle offense or
480 violation under title 14, (IV) a violation of a municipal or local
481 ordinance, or (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-
482 222, 53a-222a, 53a-223 or 53a-223a, (ii) while sixteen years of age or
483 older, wilfully failed to appear in response to a summons under
484 section 46b-133, as amended by this act, or at any other court hearing
485 in a delinquency proceeding of which the child had notice, (iii) while
486 sixteen years of age or older, violated any order of the Superior Court
487 in a delinquency proceeding, except as provided in section 46b-148, or
488 (iv) while sixteen years of age or older, violated conditions of
489 probation supervision or probation with residential placement in a
490 delinquency proceeding as ordered by the court;

491 [(5)] (3) "Family with service needs" means a family that includes a
492 child who is at least seven years of age and is under eighteen years of
493 age who (A) has without just cause run away from the parental home
494 or other properly authorized and lawful place of abode, (B) is beyond
495 the control of the child's [or youth's] parent, parents, guardian or other
496 custodian, (C) has engaged in indecent or immoral conduct, or (D) is
497 thirteen years of age or older and has engaged in sexual intercourse
498 with another person and such other person is thirteen years of age or
499 older and not more than two years older or younger than such child;

500 [(6)] (4) A child [or youth] may be found "neglected" who, for
501 reasons other than being impoverished, (A) has been abandoned, (B) is
502 being denied proper care and attention, physically, educationally,
503 emotionally or morally, or (C) is being permitted to live under
504 conditions, circumstances or associations injurious to the well-being of
505 the child; [or youth;]

506 [(7)] (5) A child [or youth] may be found "abused" who (A) has been
507 inflicted with physical injury or injuries other than by accidental
508 means, (B) has injuries that are at variance with the history given of
509 them, or (C) is in a condition that is the result of maltreatment,
510 including, but not limited to, malnutrition, sexual molestation or
511 exploitation, deprivation of necessities, emotional maltreatment or
512 cruel punishment;

513 [(8)] (6) A child [or youth] may be found "uncared for" (A) who is
514 homeless, (B) whose home cannot provide the specialized care that the
515 physical, emotional or mental condition of the child [or youth]
516 requires, or (C) who has been identified as a victim of trafficking, as
517 defined in section 46a-170. For the purposes of this section, the
518 treatment of any child [or youth] by an accredited Christian Science
519 practitioner, in lieu of treatment by a licensed practitioner of the
520 healing arts, shall not of itself constitute neglect or maltreatment;

521 [(9)] (7) "Delinquent act" means (A) the violation by a child under
522 the age of sixteen of any federal or state law, except the violation of
523 section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the

524 violation of a municipal or local ordinance, except an ordinance
525 regulating behavior of a child in a family with service needs, (B) the
526 violation by a child sixteen or seventeen years of age of any federal or
527 state law, other than (i) an infraction, except an infraction under
528 subsection (d) of section 21a-267, (ii) a violation, except a violation
529 under subsection (a) of section 21a-279a, (iii) a motor vehicle offense or
530 violation under title 14, (iv) the violation of a municipal or local
531 ordinance, or (v) the violation of section 51-164r, 53a-172, 53a-173, 53a-
532 222, 53a-222a, 53a-223 or 53a-223a, (C) the wilful failure of a child,
533 including a child who has attained the age of eighteen, to appear in
534 response to a summons under section 46b-133, as amended by this act,
535 or at any other court hearing in a delinquency proceeding of which the
536 child has notice, (D) the violation of any order of the Superior Court in
537 a delinquency proceeding by a child, including a child who has
538 attained the age of eighteen, except as provided in section 46b-148, or
539 (E) the violation of conditions of probation supervision or probation
540 with residential placement in a delinquency proceeding by a child,
541 including a child who has attained the age of eighteen, as ordered by
542 the court;

543 [(10)] (8) "Serious juvenile offense" means (A) the violation of,
544 including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-
545 33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21,
546 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
547 inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to
548 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
549 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
550 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
551 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or
552 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
553 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause,
554 from any secure placement other than home while referred as a
555 delinquent child to the Court Support Services Division or committed
556 as a delinquent child to the Commissioner of Children and Families for
557 a serious juvenile offense;

558 [(11)] (9) "Serious juvenile offender" means any child [convicted]
559 adjudicated as delinquent for the commission of a serious juvenile
560 offense;

561 [(12)] "Serious juvenile repeat offender" means any child charged
562 with the commission of any felony if such child has previously been
563 convicted as delinquent or otherwise convicted at any age for two
564 violations of any provision of title 21a, 29, 53 or 53a that is designated
565 as a felony;]

566 [(13)] (10) "Alcohol-dependent" means a psychoactive substance
567 dependence on alcohol as that condition is defined in the most recent
568 edition of the American Psychiatric Association's "Diagnostic and
569 Statistical Manual of Mental Disorders"; and

570 [(14)] (11) "Drug-dependent" means a psychoactive substance
571 dependence on drugs as that condition is defined in the most recent
572 edition of the American Psychiatric Association's "Diagnostic and
573 Statistical Manual of Mental Disorders". No child shall be classified as
574 drug-dependent who is dependent (A) upon a morphine-type
575 substance as an incident to current medical treatment of a
576 demonstrable physical disorder other than drug dependence, or (B)
577 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or
578 other stimulant and depressant substances as an incident to current
579 medical treatment of a demonstrable physical or psychological
580 disorder, or both, other than drug dependence; [.]

581 (12) "Probation supervision" means a legal status whereby a juvenile
582 who has been adjudicated delinquent is placed by the court under the
583 supervision of juvenile probation for a specified period of time and
584 upon such terms as the court determines;

585 (13) "Probation supervision with residential placement" means a
586 legal status whereby a juvenile who has been adjudicated delinquent is
587 placed by the court under the supervision of juvenile probation for a
588 specified period of time, upon such terms as the court determines, that
589 includes a period of placement in a secure or staff-secure residential

590 treatment facility, as ordered by the court, and a period of supervision
591 in the community;

592 (14) "Risk and needs assessment" means a standardized tool that
593 assists juvenile probation officers in collecting and synthesizing
594 information about a child to estimate the child's risk of recidivating
595 and identify other factors that, if treated and changed, can reduce the
596 child's likelihood of reoffending and provides a guide for intervention
597 planning;

598 (15) "Secure-residential facility" means a hardware-secured
599 residential facility that provides residential treatment in a controlled
600 and restrictive manner; and

601 (16) "Staff-secure residential facility" means a residential facility that
602 provides residential treatment for children in a structured setting
603 where the children are monitored by staff.

604 Sec. 11. Subdivision (5) of section 46b-120 of the general statutes, as
605 amended by section 146 of public act 17-2 of the June special session, is
606 repealed and the following is substituted in lieu thereof (*Effective July*
607 *1, 2019*):

608 [(5)] (3) "Family with service needs" means a family that includes a
609 child who is at least seven years of age and is under eighteen years of
610 age who, according to a petition lawfully filed on or before June 30,
611 2019, (A) has without just cause run away from the parental home or
612 other properly authorized and lawful place of abode, (B) is beyond the
613 control of the child's [or youth's] parent, parents, guardian or other
614 custodian, (C) has engaged in indecent or immoral conduct, or (D) is
615 thirteen years of age or older and has engaged in sexual intercourse
616 with another person and such other person is thirteen years of age or
617 older and not more than two years older or younger than such child;
618 [or youth.]

619 Sec. 12. Section 46b-121 of the general statutes is repealed and the
620 following is substituted in lieu thereof (*Effective July 1, 2018*):

621 (a) (1) Juvenile matters in the civil session include all proceedings
622 concerning uncared-for, neglected or abused children [and youths]
623 within this state, termination of parental rights of children committed
624 to a state agency, adoption proceedings pursuant to section 46b-129b,
625 matters concerning families with service needs, contested matters
626 involving termination of parental rights or removal of guardian
627 transferred from the Probate Court and the emancipation of minors,
628 but does not include matters of guardianship and adoption or matters
629 affecting property rights of any child [or youth] over which the
630 Probate Court has jurisdiction, except that appeals from probate
631 concerning adoption, termination of parental rights and removal of a
632 parent as guardian shall be included.

633 (2) (A) Juvenile matters in the criminal session include all
634 proceedings concerning delinquent children within this state and
635 persons eighteen years of age and older who are under the supervision
636 of a juvenile probation officer while on probation [or a suspended
637 commitment to the Department of Children and Families] supervision
638 or probation with residential placement, for purposes of enforcing any
639 court orders entered as part of such probation. [or suspended
640 commitment.]

641 (B) A juvenile who has been placed on probation supervision is
642 subject to the continuing jurisdiction of the court and may be subject to
643 other reasonable court-ordered restrictions or conditions and required
644 to participate in a variety of appropriate programmatic services.

645 (C) A juvenile who has been placed on probation supervision with
646 residential placement is subject to the continuing jurisdiction of the
647 court and may be subject to other reasonable court-ordered restrictions
648 or conditions and required to participate in a variety of appropriate
649 programmatic services.

650 (b) (1) In juvenile matters, the Superior Court shall have authority to
651 make and enforce such orders directed to parents, including any
652 person who acknowledges before the court paternity of a child born
653 out of wedlock, guardians, custodians or other adult persons owing

654 some legal duty to a child therein, as the court deems necessary or
655 appropriate to secure the welfare, protection, proper care and suitable
656 support of a child subject to the court's jurisdiction or otherwise
657 committed to or in the custody of the Commissioner of Children and
658 Families. The Superior Court may order a local or regional board of
659 education to provide to the court educational records of a child for the
660 purpose of determining the need for services or placement of the child.
661 In proceedings concerning a child charged with a delinquent act or
662 with being from a family with service needs, records produced subject
663 to such an order shall be maintained under seal by the court and shall
664 be released only after a hearing or with the consent of the child.
665 Educational records obtained pursuant to this section shall be used
666 only for dispositional purposes. In addition, with respect to
667 proceedings concerning delinquent children, the Superior Court shall
668 have authority to make and enforce such orders as the court deems
669 necessary or appropriate to provide individualized supervision, care,
670 accountability and treatment to such child in a manner consistent with
671 public safety, deter the child from the commission of further
672 delinquent acts, ensure that the child is responsive to the court process,
673 ensure that the safety of any other person will not be endangered and
674 provide restitution to any victim. The Superior Court shall also have
675 authority to grant and enforce temporary and permanent injunctive
676 relief in all proceedings concerning juvenile matters.

677 (2) If any order for the payment of money is issued by the Superior
678 Court, including any order assessing costs issued under section 46b-
679 134, as amended by this act, or 46b-136, the collection of such money
680 shall be made by the court, except orders for support of children
681 committed to any state agency or department, which orders shall be
682 made payable to and collected by the Department of Administrative
683 Services. If the Superior Court after due diligence is unable to collect
684 such moneys within six months, the court shall refer such case to the
685 Department of Administrative Services for collection as a delinquent
686 account. In juvenile matters, the Superior Court shall have authority to
687 make and enforce orders directed to persons liable hereunder on
688 petition of the Department of Administrative Services made to the

689 court in the same manner as is provided in section 17b-745, in
690 accordance with the provisions of section 17b-81 or 17b-223, subsection
691 (b) of section 17b-179 or section 17a-90, 46b-129 or 46b-130, and all of
692 the provisions of section 17b-745 shall be applicable to such
693 proceedings. Any [judge hearing a juvenile matter may make any
694 other order in connection therewith that a judge of the Superior Court
695 is authorized to grant and such order shall have the same force and
696 effect as any other order of the Superior Court. No commitment to the
697 Department of Children and Families may be ordered or continued for
698 a delinquent child who has attained the age of twenty.
699 Notwithstanding the terms of any order in effect on October 1, 2011,
700 any] commitment to the Department of Children and Families in a
701 delinquency proceeding pursuant to this chapter prior to July 1, 2018,
702 shall terminate not later than the date the child attains the age of
703 twenty.

704 (3) In the enforcement of the court's orders, in connection with any
705 juvenile matter, the court may issue process for the arrest of any
706 person, compel attendance of witnesses and punish for contempt by a
707 fine not exceeding one hundred dollars or imprisonment not exceeding
708 six months.

709 Sec. 13. Section 46b-121h of the general statutes is repealed and the
710 following is substituted in lieu thereof (*Effective July 1, 2018*):

711 It is the intent of the General Assembly that the juvenile justice
712 system provide individualized supervision, care, accountability and
713 treatment in a manner consistent with public safety to those juveniles
714 who violate the law. [The juvenile justice system shall also promote
715 prevention efforts through the support of programs and services
716 designed to meet the needs of juveniles charged with the commission
717 of a delinquent act.] The goals of the juvenile justice system shall be to:

718 (1) Hold juveniles accountable for their unlawful behavior;

719 (2) Provide secure and therapeutic confinement to those juveniles
720 who present a danger to the community;

- 721 (3) Adequately protect the community and juveniles;
- 722 (4) Provide programs and services that are community-based and
723 [are provided] in close proximity to the juvenile's community;
- 724 (5) [Retain] Maintain and support juveniles within their homes
725 whenever possible and appropriate;
- 726 (6) Base probation [treatment] case planning upon individual [case
727 management plans] risks and needs;
- 728 (7) Include the juvenile's family in [the] case [management plan]
729 planning;
- 730 (8) Provide supervision and service coordination where appropriate
731 and implement and monitor the case [management] plan in order to
732 discourage reoffending;
- 733 (9) Provide follow-up and [nonresidential postrelease] community-
734 based services to juveniles who are returned to their families or
735 communities;
- 736 (10) Promote the development and implementation of community-
737 based programs [including, but not limited to, mental health services,]
738 designed to prevent [unlawful behavior] reoffending and to effectively
739 minimize the depth and duration of the juvenile's involvement in the
740 juvenile justice system; and
- 741 (11) Create and maintain programs for [juvenile offenders that are
742 gender specific in that they comprehensively address the unique needs
743 of a targeted gender group] juveniles that (A) are developmentally
744 appropriate and gender responsive, and (B) incorporate restorative
745 principles and practices.

746 Sec. 14. Section 46b-121k of the general statutes is repealed and the
747 following is substituted in lieu thereof (*Effective July 1, 2018*):

- 748 (a) (1) The Judicial Branch shall develop [constructive programs for
749 the prevention and reduction of delinquency and crime among

750 juvenile offenders. To develop such programs, the executive director of
751 the Court Support Services Division within the Judicial Branch shall
752 cooperate with other agencies to encourage the establishment of new
753 programs and to provide a continuum of services for juvenile
754 offenders who do not require secure placement, including, but not
755 limited to, juveniles classified pursuant to the risk assessment
756 instrument described in section 46b-121i, as those who may be released
757 with structured supervision and those who may be released without
758 supervision. When appropriate, the Judicial Branch shall coordinate
759 such programs with the Department of Children and Families and the
760 Department of Mental Health and Addiction Services] a continuum of
761 community-based programs for the reduction of delinquency among
762 juveniles. When appropriate, the Judicial Branch shall coordinate such
763 programs with the Department of Children and Families, the
764 Department of Education, the Department of Mental Health and
765 Addiction Services, the Department of Social Services and the
766 Department of Developmental Services, and any other agencies as
767 necessary.

768 [(2) The programs shall be tailored to the type of juvenile, including
769 the juvenile's offense history, age, maturity and social development,
770 gender, mental health, alcohol dependency or drug dependency, need
771 for structured supervision and other characteristics, and shall be
772 culturally appropriate, trauma-informed and provided in the least
773 restrictive environment possible in a manner consistent with public
774 safety. The Judicial Branch shall develop programs that provide: (A)
775 Intensive general education, with an individualized remediation plan
776 for each juvenile; (B) appropriate job training and employment
777 opportunities; (C) counseling sessions in anger management and
778 nonviolent conflict resolution; (D) treatment and prevention programs
779 for alcohol dependency and drug dependency; (E) mental health
780 screening, assessment and treatment; (F) sexual offender treatment;
781 and (G) services for families of juveniles.

782 (b) The Judicial Branch may contract to establish regional secure
783 residential facilities and regional highly supervised residential and

784 nonresidential facilities for juveniles referred by the court. Such
785 facilities shall operate within contracted-for capacity limits. Such
786 facilities shall be exempt from the licensing requirements of section
787 17a-145.

788 (c) The Judicial Branch shall collaborate with private residential
789 facilities providing residential programs and with community-based
790 nonresidential postrelease programs.

791 (d) The Judicial Branch, as part of a publicly bid contract for an
792 alternative incarceration program, may include a requirement that the
793 contractor provide for space necessary for juvenile probation offices
794 and other staff of the Court Support Services Division to perform their
795 duties.

796 (e) Any program developed by the Judicial Branch that is designed
797 to prevent or reduce delinquency and crime among juvenile offenders
798 shall be gender specific, as necessary, and shall comprehensively
799 address the unique needs of a targeted gender group.]

800 (2) The continuum of community-based programs shall be designed
801 to address the individual risks and needs of juveniles, shall have the
802 capacity to take into account each juvenile's history, age, maturity and
803 social development, gender, mental health, alcohol or drug use, need
804 for structured supervision and other characteristics, and shall be
805 culturally appropriate, trauma-informed and provided in the least
806 restrictive environment possible in a manner consistent with public
807 safety. The Judicial Branch shall develop programs that provide
808 research and evidence-based skills-training and assistance to promote
809 independent living skills, positive activities and social connections in
810 the juveniles' home communities and to address: (A) Anti-sociality,
811 impulse control and behavioral problems; (B) anger management and
812 nonviolent conflict resolution; (C) alcohol and drug use and
813 dependency; (D) mental health needs; (E) inappropriate sexual
814 behavior; (F) family engagement; (G) academic disengagement; and
815 (H) technical and vocational training needs.

816 (b) The Judicial Branch may contract to establish secure and staff-
817 secure residential facilities for juveniles referred by the court. Such
818 facilities shall comply with any and all contractual provisions. Such
819 facilities shall be exempt from the licensing requirements of section
820 17a-145.

821 (c) The Judicial Branch, as part of a publicly bid contract, may
822 include a requirement that the contractor provide for space necessary
823 for juvenile probation offices and other staff of the Court Support
824 Services Division to perform their duties.

825 (d) Any program developed by the Judicial Branch that is designed
826 to prevent or reduce delinquency and crime among juveniles shall be
827 gender responsive.

828 [(f)] (e) The Judicial Branch shall consult with the Commission on
829 Racial and Ethnic Disparity in the Criminal Justice System established
830 pursuant to section 51-10c to address the needs of minorities in the
831 juvenile justice system.

832 Sec. 15. Section 46b-124 of the 2018 supplement to the general
833 statutes is repealed and the following is substituted in lieu thereof
834 (*Effective July 1, 2018*):

835 (a) For the purposes of this section, "records of cases of juvenile
836 matters" includes, but is not limited to, court records, records
837 regarding juveniles maintained by the Court Support Services
838 Division, records regarding juveniles maintained by an organization or
839 agency that has contracted with the Judicial Branch to provide services
840 to juveniles, records of law enforcement agencies including
841 fingerprints, photographs and physical descriptions, and medical,
842 psychological, psychiatric and social welfare studies and reports by
843 juvenile probation officers, public or private institutions, social
844 agencies and clinics.

845 (b) All records of cases of juvenile matters, as provided in section
846 46b-121, as amended by this act, except delinquency proceedings, or

847 any part thereof, and all records of appeals from probate brought to
848 the superior court for juvenile matters pursuant to section 45a-186,
849 shall be confidential and for the use of the court in juvenile matters,
850 and open to inspection or disclosure to any third party, including bona
851 fide researchers commissioned by a state agency, only upon order of
852 the Superior Court, except that: (1) Such records shall be available to
853 (A) the attorney representing the child, [or youth,] including the
854 Division of Public Defender Services, in any proceeding in which such
855 records are relevant, (B) the parents or guardian of the child [or youth]
856 until such time as the child [or youth] reaches the age of majority or
857 becomes emancipated, (C) an adult adopted person in accordance with
858 the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
859 inclusive, (D) employees of the Division of Criminal Justice who, in the
860 performance of their duties, require access to such records, (E)
861 employees of the Judicial Branch who, in the performance of their
862 duties, require access to such records, (F) another court under the
863 provisions of subsection (d) of section 46b-115j, (G) the subject of the
864 record, upon submission of satisfactory proof of the subject's identity,
865 pursuant to guidelines prescribed by the Office of the Chief Court
866 Administrator, provided the subject has reached the age of majority or
867 has been emancipated, (H) the Department of Children and Families,
868 (I) the employees of the Division of Public Defender Services who, in
869 the performance of their duties related to Division of Public Defender
870 Services assigned counsel, require access to such records, and (J)
871 judges and employees of the Probate Court who, in the performance of
872 their duties, require access to such records; and (2) all or part of the
873 records concerning a youth in crisis with respect to whom a court
874 order was issued prior to January 1, 2010, may be made available to
875 the Department of Motor Vehicles, provided such records are relevant
876 to such order. Any records of cases of juvenile matters, or any part
877 thereof, provided to any persons, governmental or private agencies, or
878 institutions pursuant to this section shall not be disclosed, directly or
879 indirectly, to any third party not specified in subsection (d) of this
880 section, except as provided by court order, in the report required
881 under section 54-76d or 54-91a or as otherwise provided by law.

882 (c) All records of cases of juvenile matters involving delinquency
883 proceedings, or any part thereof, shall be confidential and for the use
884 of the court in juvenile matters and shall not be disclosed except as
885 provided in this section and section 46b-124a.

886 (d) Records of cases of juvenile matters involving delinquency
887 proceedings shall be available to (1) Judicial Branch employees who, in
888 the performance of their duties, require access to such records, (2)
889 judges and employees of the Probate Court who, in the performance of
890 their duties, require access to such records, and (3) employees and
891 authorized agents of state or federal agencies involved in (A) the
892 delinquency proceedings, (B) the provision of services directly to the
893 child, [(C) the design and delivery of treatment programs pursuant to
894 section 46b-121j, or (D)] or (C) the delivery of court diversionary
895 programs. Such employees and authorized agents include, but are not
896 limited to, law enforcement officials, community-based youth service
897 bureau officials, state and federal prosecutorial officials, school
898 officials in accordance with section 10-233h, court officials including
899 officials of both the regular criminal docket and the docket for juvenile
900 matters and officials of the Division of Criminal Justice, the Division of
901 Public Defender Services, [the Department of Children and Families,]
902 the Court Support Services Division and agencies under contract with
903 the Judicial Branch. Such records shall also be available to (i) the
904 attorney representing the child, including the Division of Public
905 Defender Services, in any proceeding in which such records are
906 relevant, (ii) the parents or guardian of the child, until such time as the
907 subject of the record reaches the age of majority, (iii) the subject of the
908 record, upon submission of satisfactory proof of the subject's identity,
909 pursuant to guidelines prescribed by the Office of the Chief Court
910 Administrator, provided the subject has reached the age of majority,
911 (iv) law enforcement officials and prosecutorial officials conducting
912 legitimate criminal investigations, (v) a state or federal agency
913 providing services related to the collection of moneys due or funding
914 to support the service needs of eligible juveniles, provided such
915 disclosure shall be limited to that information necessary for the
916 collection of and application for such moneys, and (vi) members and

917 employees of the Board of Pardons and Paroles and employees of the
918 Department of Correction who, in the performance of their duties,
919 require access to such records, provided the subject of the record has
920 been convicted of a crime in the regular criminal docket of the Superior
921 Court and such records are relevant to the performance of a risk and
922 needs assessment of such person while such person is incarcerated, the
923 determination of such person's suitability for release from
924 incarceration or for a pardon, or the determination of the supervision
925 and treatment needs of such person while on parole or other
926 supervised release. Records disclosed pursuant to this subsection shall
927 not be further disclosed, except that information contained in such
928 records may be disclosed in connection with bail or sentencing reports
929 in open court during criminal proceedings involving the subject of
930 such information, or as otherwise provided by law.

931 (e) Records of cases of juvenile matters involving delinquency
932 proceedings, or any part thereof, may be disclosed upon order of the
933 court to any person who has a legitimate interest in the information
934 and is identified in such order. Records disclosed pursuant to this
935 subsection shall not be further disclosed, except as specifically
936 authorized by a subsequent order of the court.

937 (f) Information concerning a child who is the subject of an order to
938 take such child into custody or other process that has been entered into
939 a central computer system pursuant to subsection (i) of section 46b-133
940 may be disclosed to employees and authorized agents of the Judicial
941 Branch, law enforcement agencies and the Department of Children and
942 Families in accordance with policies and procedures established by the
943 Chief Court Administrator.

944 (g) Information concerning a child who has escaped from, or failed
945 to return from an authorized leave to a detention center or [from a
946 facility to] a secure or staff-secure residential treatment facility in
947 which the child has been [committed] placed by the court or for whom
948 an arrest warrant has been issued with respect to the commission of a
949 felony may be disclosed by law enforcement officials.

950 (h) Nothing in this section shall be construed to prohibit any person
951 employed by the Judicial Branch from disclosing any records,
952 information or files in such employee's possession to any person
953 employed by the Division of Criminal Justice as a prosecutorial official,
954 inspector or investigator who, in the performance of his or her duties,
955 requests such records, information or files, or to prohibit any such
956 employee of said division from disclosing any records, information or
957 files in such employee's possession to any such employee of the
958 Judicial Branch who, in the performance of his or her duties, requests
959 such records, information or files.

960 (i) Nothing in this section shall be construed to prohibit a party from
961 making a timely objection to the admissibility of evidence consisting of
962 records of cases of juvenile matters, or any part thereof, in any
963 Superior Court or Probate Court proceeding, or from making a timely
964 motion to seal any such record pursuant to the rules of the Superior
965 Court or the rules of procedure adopted under section 45a-78.

966 (j) A state's attorney shall disclose to the defendant or such
967 defendant's counsel in a criminal prosecution, without the necessity of
968 a court order, exculpatory information and material contained in any
969 record disclosed to such state's attorney pursuant to this section and
970 may disclose, without a court order, information and material
971 contained in any such record which could be the subject of a disclosure
972 order.

973 (k) (1) Notwithstanding the provisions of subsection (d) of this
974 section, any information concerning a child that is obtained during any
975 mental health screening or assessment of such child, during the
976 provision of services pursuant to subsection (b) of section 46b-149, or
977 during the performance of an educational evaluation pursuant to
978 subsection (e) of section 46b-149, shall be used solely for planning and
979 treatment purposes and shall otherwise be confidential and retained in
980 the files of the entity providing such services or performing such
981 screening, assessment or evaluation. Such information may be further
982 disclosed only for the purposes of any court-ordered evaluation or

983 treatment of the child or provision of services to the child, or pursuant
984 to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a.
985 Such information shall not be subject to subpoena or other court
986 process for use in any other proceeding or for any other purpose.

987 (2) Notwithstanding the provisions of subsection (d) of this section,
988 any information concerning a child that is obtained during any
989 detention risk screening of such child shall be used solely for
990 determining the child's risk to public safety as required by subsection
991 (e) of section 46b-133, as amended by this act. The information
992 obtained and results of the detention risk screening shall be used for
993 the purpose of making a recommendation to the court regarding the
994 detention of the child and shall otherwise be confidential and retained
995 in the files of the person performing such screening, but shall be
996 disclosed to any attorney of record upon motion and order of the
997 court. Any information and results disclosed upon such motion and
998 order shall be available to any attorney of record for such case. Such
999 information and results shall otherwise not be subject to subpoena or
1000 other court process for use in any other proceeding or for any other
1001 purpose.

1002 (l) Records of cases of juvenile matters involving delinquency
1003 proceedings, or any part thereof, containing information that a child
1004 has been [convicted] adjudicated as delinquent for a violation of
1005 subdivision (e) of section 1-1h, subsection (c) of section 14-147,
1006 subsection (a) of section 14-215, section 14-222, subsection (b) of section
1007 14-223, subsection (a), (b) or (c) of section 14-224, section 14-227a,
1008 section 14-227g, subsection (d) of section 21a-267, section 21a-279a,
1009 section 30-88a or subsection (b) of section 30-89, shall be disclosed to
1010 the Department of Motor Vehicles for administrative use in
1011 determining whether administrative sanctions regarding such child's
1012 motor vehicle operator's license are warranted. Records disclosed
1013 pursuant to this subsection shall not be further disclosed.

1014 (m) Records of cases of juvenile matters involving adoption
1015 proceedings, or any part thereof, shall be confidential and may only be

1016 disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

1017 (n) Records of cases of juvenile matters involving delinquency
1018 proceedings shall be available to a victim of the delinquent act in
1019 accordance with the provisions of section 46b-124a.

1020 Sec. 16. Section 46b-125 of the general statutes is repealed and the
1021 following is substituted in lieu thereof (*Effective July 1, 2018*):

1022 [(a) All persons employed as full-time juvenile probation officers in
1023 service in this state on January 1, 1941, and appointed without
1024 examination in the first instance juvenile probation officers of this
1025 court, shall retain full rights in any pension system or retirement fund
1026 in which they participated or to which they contributed.

1027 (b) Probation] Juvenile probation officers shall make [such]
1028 investigations and submit reports [as the court directs or the law
1029 requires] and recommendations to the court, including
1030 predispositional studies in accordance with section 46b-134, as
1031 amended by this act. Juvenile probation officers shall provide
1032 supervision and make referrals to preadjudication and
1033 postadjudication services based on the juvenile's risks and needs, as
1034 determined by the risk and needs assessment. Probation officers shall
1035 work collaboratively with treatment providers to ensure programs and
1036 services are adequately addressing the needs of juveniles under
1037 supervision. They shall execute the orders of the court; and, for that
1038 purpose, such probation officers, and any other employees specifically
1039 designated by the court to assist the probation officers in the
1040 enforcement of such orders, shall have the authority of a state marshal.
1041 They shall [preserve a record] keep complete records of all cases
1042 investigated or coming under their care, and shall keep informed
1043 concerning the conduct and condition of each [person] juvenile placed
1044 under supervision and report thereon to the court as it may direct. Any
1045 juvenile probation officer authorized by the Office of the Chief Court
1046 Administrator [, and any juvenile matters investigator authorized by
1047 the Office of the Chief State's Attorney,] may arrest any juvenile on
1048 probation without a warrant or may deputize any other officer with

1049 power to arrest to do so by giving such officer a written statement
1050 setting forth that the juvenile has, in the judgment of the juvenile
1051 probation officer, [or juvenile matters investigator,] violated the
1052 conditions of the juvenile's probation. When executing such orders of
1053 the court, except when using deadly physical force, juvenile probation
1054 officers and juvenile matters investigators shall be deemed to be acting
1055 in the capacity of a peace officer, as defined in subdivision (9) of
1056 section 53a-3.

1057 Sec. 17. Subsection (a) of section 46b-128 of the general statutes is
1058 repealed and the following is substituted in lieu thereof (*Effective July*
1059 *1, 2018*):

1060 (a) Whenever the Superior Court is in receipt of any written
1061 complaint filed by any person, any public or private agency or any
1062 federal, state, city or town department maintaining that a child's
1063 conduct constitutes delinquency within the meaning of section 46b-
1064 120, as amended by this act, it shall make a preliminary investigation
1065 to determine whether the facts, if true, would be sufficient to be a
1066 juvenile matter and whether the interests of the public or the child
1067 require that further action be taken. If so, the court may authorize the
1068 filing of a verified petition of alleged delinquency or it may make
1069 without such petition whatever nonjudicial disposition is practicable,
1070 including the ordering of such child to do work of which he is capable
1071 in public buildings or on public property, particularly in cases in
1072 which the complaint alleges that the conduct of such child resulted in
1073 the wilful destruction of property, provided the facts establishing
1074 jurisdiction are admitted and that a competent acceptance of such a
1075 disposition has been given by the child and his parent or guardian. If a
1076 nonjudicial disposition is made, the term of any nonjudicial
1077 supervision shall be established by the juvenile probation supervisor
1078 or such supervisor's designee provided such period of supervision
1079 shall not exceed one hundred eighty days. Each verified petition of
1080 delinquency filed by the court shall set forth plainly (1) the facts which
1081 bring the child within the jurisdiction of the court, (2) the name, date of
1082 birth, sex and residence of the child, (3) the names and residence of his

1083 parent or parents, guardian or other person having control of the child,
1084 and (4) a prayer for appropriate action by the court in conformity with
1085 the provisions of this chapter.

1086 Sec. 18. Subsections (d) to (f), inclusive, of section 46b-133 of the
1087 2018 supplement to the general statutes are repealed and the following
1088 is substituted in lieu thereof (*Effective July 1, 2018*):

1089 (d) [(1)] When a child is arrested for the commission of a delinquent
1090 act and the child is not placed in detention or referred to a
1091 diversionary program, an officer shall serve a written complaint and
1092 summons on the child and the child's parent, guardian or some other
1093 suitable person or agency. If such child is released to the child's own
1094 custody, the officer shall make reasonable efforts to notify, and to
1095 provide a copy of a written complaint and summons to, the parent or
1096 guardian or some other suitable person or agency prior to the court
1097 date on the summons. If any person so summoned wilfully fails to
1098 appear in court at the time and place so specified, the court may issue a
1099 warrant for the child's arrest or a capias to assure the appearance in
1100 court of such parent, guardian or other person. If a child wilfully fails
1101 to appear in response to such a summons, the court may order such
1102 child taken into custody and such child may be charged with the
1103 delinquent act of wilful failure to appear under section 46b-120, as
1104 amended by this act. The court may punish for contempt, as provided
1105 in section 46b-121, as amended by this act, any parent, guardian or
1106 other person so summoned who wilfully fails to appear in court at the
1107 time and place so specified.

1108 [(2) Upon the arrest of any youth by an officer for a violation of
1109 section 53a-82, such officer shall report suspected abuse or neglect to
1110 the Department of Children and Families in accordance with the
1111 provisions of sections 17a-101b to 17a-101d, inclusive.]

1112 (e) When a child is arrested for the commission of a delinquent act
1113 and is placed in detention pursuant to subsection (c) of this section,
1114 such child may be detained pending a hearing which shall be held on
1115 the business day next following the child's arrest. No child may be

1116 detained after such hearing unless the court determines, based on the
1117 available facts, that (1) there is probable cause to believe that the child
1118 has committed the acts alleged, (2) there is no less restrictive
1119 alternative available, and (3) through the use of the detention risk
1120 [assessment] screening instrument developed pursuant to section 46b-
1121 133g, as amended by this act, that there is (A) probable cause to believe
1122 that the child will pose a risk to public safety if released to the
1123 community prior to the court hearing or disposition; (B) a need to hold
1124 the child in order to ensure the child's appearance before the court, as
1125 demonstrated by the child's previous failure to respond to the court
1126 process, or (C) a need to hold the child for another jurisdiction. Such
1127 probable cause may be shown by sworn affidavit in lieu of testimony.
1128 No child shall be released from detention who is alleged to have
1129 committed a serious juvenile offense except by order of a judge of the
1130 Superior Court. The court may, in its discretion, consider as an
1131 alternative to detention a suspended detention order with graduated
1132 sanctions to be imposed based on the detention risk [assessment]
1133 screening for such child, using the instrument developed pursuant to
1134 section 46b-133g, as amended by this act. Any child confined in a
1135 community correctional center or lockup shall be held in an area
1136 separate and apart from any adult detainee, except in the case of a
1137 nursing infant, and no child shall at any time be held in solitary
1138 confinement. When a female child is held in custody, she shall, as far
1139 as possible, be in the charge of a woman attendant.

1140 (f) The police officer who brings a child into detention shall have
1141 first notified, or made a reasonable effort to notify, the parents or
1142 guardian of the child in question of the intended action and shall file at
1143 the detention center a signed statement setting forth the alleged
1144 delinquent conduct of the child and the order to detain such child.
1145 Upon admission, the child shall be administered the detention risk
1146 [assessment] screening instrument developed pursuant to section 46b-
1147 133g, as amended by this act, and unless the child was arrested for a
1148 serious juvenile offense or unless an order not to release is noted on
1149 the take into custody order, arrest warrant or order to detain, the child
1150 may be released to the custody of the child's parent or parents,

1151 guardian or some other suitable person or agency in accordance with
1152 policies adopted by the Court Support Services Division of the Judicial
1153 Department pursuant to section 46b-133h.

1154 Sec. 19. Section 46b-133g of the 2018 supplement to the general
1155 statutes is repealed and the following is substituted in lieu thereof
1156 (*Effective July 1, 2018*):

1157 (a) Not later than January 1, 2017, the Court Support Services
1158 Division of the Judicial Department shall develop and implement a
1159 detention risk [assessment] screening instrument to be used to
1160 determine, based on the risk level, whether there is: (1) Probable cause
1161 to believe that a child will pose a risk to public safety if released to the
1162 community prior to the court hearing or disposition, or (2) a need to
1163 hold the child in order to ensure the child's appearance before the
1164 court, as demonstrated by the child's previous failure to respond to the
1165 court process. Such instrument shall be used when assessing whether a
1166 child should be detained pursuant to section 46b-133, as amended by
1167 this act. Any detention risk screening shall be subject to the protections
1168 of subsection (k) of section 46b-124, as amended by this act.

1169 (b) When a child is presented before the court and it appears from
1170 the available facts there is probable cause to believe the child has
1171 violated a valid court order, the court, after administering the
1172 detention risk [assessment] screening instrument, may order the child
1173 to participate in nonresidential programs for intensive wraparound
1174 services, community-based residential services for short-term respite
1175 or other services and interventions the court deems appropriate.

1176 Sec. 20. Section 46b-134 of the general statutes is repealed and the
1177 following is substituted in lieu thereof (*Effective July 1, 2018*):

1178 Prior to the disposition of the case of any child [convicted of a]
1179 adjudicated as delinquent, [act,] investigation shall be made of the
1180 facts as specified in this section by the probation officer, and until such
1181 investigation has been completed and the results thereof placed before
1182 the judge, no disposition of the child's case shall be made. Such

1183 investigation shall consist of an examination of the parentage and
1184 surroundings of the child and the child's age, habits and history, and
1185 shall include also an inquiry into the home conditions, habits and
1186 character of the child's parents or guardians. Such investigation shall
1187 include an inquiry into the circumstances of the offense, the attitude of
1188 the complainant or victim, the criminal record, the present condition of
1189 the child and any damages suffered by the victim including medical
1190 expenses, loss of earnings and property loss. If the child is or legally
1191 should be in attendance at school, such investigation shall further
1192 contain a report of the child's school attendance, adjustment and
1193 behavior, the child's individualized education program if the child has
1194 been identified pursuant to sections 10-76a to 10-76gg, inclusive, as
1195 requiring special education and related services and any
1196 recommendations from school officials on conditions of probation if
1197 the child is placed on probation pursuant to section 46b-140, as
1198 amended by this act, which shall be furnished by the school officials to
1199 the court upon its request. The court shall, when it is found necessary
1200 to the disposition, cause a complete physical or mental examination, or
1201 both, to be made of the child by persons professionally qualified to do
1202 so. Such examination may include testing to determine whether the
1203 child is alcohol-dependent or drug-dependent as defined in section
1204 46b-120, as amended by this act. If the court causes a complete physical
1205 or mental examination, or both, to be made of a child whose parents,
1206 guardian or custodian is found able to pay in whole or in part the cost
1207 thereof, it shall assess as costs against such parents, guardian or
1208 custodian, including any agency vested with the legal custody of the
1209 child, the expense so incurred and paid for by the court in having such
1210 examination performed, to the extent of their financial ability to do so.
1211 Prior to the disposition of the case of any child [convicted of a]
1212 adjudicated as delinquent, [act,] the court may cause a complete
1213 diagnostic examination to be made, unless such information is
1214 otherwise available. Such information shall include physical and
1215 psychological diagnoses and may include medical, psychiatric,
1216 neurological, learning disability diagnoses and such other diagnoses as
1217 the court deems necessary. [If such child is committed to the

1218 Department of Children and Families, such information shall be
1219 shared with the Department of Children and Families.]

1220 Sec. 21. Section 46b-140 of the general statutes is repealed and the
1221 following is substituted in lieu thereof (*Effective July 1, 2018*):

1222 (a) In determining the appropriate disposition of a child [convicted]
1223 adjudicated as delinquent, the court shall consider: (1) The child's age
1224 and intellectual, cognitive and emotional development; (2) the
1225 seriousness of the offense, including [the existence of] any aggravating
1226 [factors such as the use of a firearm in the commission of the offense
1227 and] or mitigating factor; (3) the impact of the offense on any victim;
1228 [(2)] (4) the child's record of delinquency; [(3)] (5) the child's
1229 willingness to participate in available programs; [(4) the existence of
1230 other mitigating factors; and (5) the culpability of the child in
1231 committing the offense including the level of the child's participation
1232 in the planning and carrying out of the offense] (6) the child's prior
1233 involvement with the Department of Children and Families as a
1234 committed delinquent; (7) the child's prior involvement with juvenile
1235 probation; (8) the child's history of participation in and engagement
1236 with programming and service interventions; (9) the identified
1237 services, programs and interventions that will best address the child's
1238 needs and risk of reoffending, as indicated by the risk and needs
1239 assessment administered by the Court Support Services Division and
1240 any other relevant evidence; and (10) the level of supervision indicated
1241 by the risk and needs assessment administered by the Court Support
1242 Services Division and any other relevant evidence.

1243 (b) Upon [conviction] adjudication of a child as delinquent, the
1244 court: (1) May (A) [order the child to participate in an alternative
1245 incarceration program; (B) order the child to participate in a program
1246 at a wilderness school facility operated by the Department of Children
1247 and Families; (C) order the child to participate in a youth service
1248 bureau program; (D) place the child on probation; (E) order the child
1249 or the parents or guardian of the child, or both, to make restitution to
1250 the victim of the offense in accordance with subsection (d) of this

1251 section; (F) order the child to participate in a program of community
1252 service in accordance with subsection (e) of this section; or (G)
1253 withhold or suspend execution of any judgment; and (2) shall impose
1254 the penalty established in subsection (b) of section 30-89 for any
1255 violation of said subsection (b)] discharge the child from the court's
1256 jurisdiction with or without a warning; (B) place the child on probation
1257 supervision for a period not to exceed eighteen months, which may be
1258 extended in accordance with section 46b-140a, as amended by this act,
1259 by not more than twelve months, for a total supervision period not to
1260 exceed thirty months; or (C) place the child on probation supervision
1261 with residential placement, for a period not to exceed eighteen months,
1262 which may be extended in accordance with section 46b-140a, as
1263 amended by this act, by not more than twelve months, for a total
1264 supervision period not to exceed thirty months.

1265 (c) [The court may order, as a condition of probation, that the child
1266 (1) reside with a parent, relative or guardian or in a suitable foster
1267 home or other residence approved by the court, (2) attend school and
1268 class on a regular basis and comply with school policies on student
1269 conduct and discipline, (3) refrain from violating any federal or state
1270 law or municipal or local ordinance, (4) undergo any medical or
1271 psychiatric evaluation or treatment deemed necessary by the court, (5)
1272 submit to random drug or alcohol testing, or both, (6) participate in a
1273 program of alcohol or drug treatment, or both, (7) make restitution to
1274 the victim of the offense in accordance with subsection (d) of this
1275 section, (8) participate in an alternative incarceration program or other
1276 program established through the Court Support Services Division, (9)
1277 participate in a program of community service, and (10) satisfy any
1278 other conditions deemed appropriate by the court] As a condition of
1279 probation supervision or probation supervision with residential
1280 placement, the court may order that the child: (1) Participate in a youth
1281 service bureau program; (2) reside with a parent, relative or guardian
1282 or in a suitable foster home or other residence approved by the court;
1283 (3) attend school and class on a regular basis and comply with school
1284 policies on student conduct and discipline; (4) refrain from violating
1285 any federal or state law or municipal or local ordinance; (5) undergo

1286 any medical or psychiatric evaluation or treatment deemed necessary
1287 by the court; (6) submit to random drug or alcohol testing, or both; (7)
1288 participate in a program of alcohol or drug treatment, or both; (8)
1289 participate in a program of community service; (9) obtain technical or
1290 vocational training, or both; (10) make a good faith effort to obtain and
1291 maintain employment; (11) be placed in an appropriate residential
1292 facility in accordance with subsection (f) of this section; and (12) satisfy
1293 any other conditions deemed appropriate by the court. The court may
1294 also order as a condition of probation supervision or probation
1295 supervision with residential placement that the child or the parents or
1296 guardian of the child, or both, make restitution to the victim of the
1297 offense in accordance with subsection (d) of this section. The court
1298 shall cause a copy of any such order to be delivered to the child, the
1299 child's parents or guardian and the child's probation officer. If the
1300 child is [convicted] adjudicated as delinquent for a violation of section
1301 53-247, the court may order, as a condition of probation supervision or
1302 probation supervision with residential placement, that the child
1303 undergo psychiatric or psychological counseling or participate in an
1304 animal cruelty prevention and education program provided such a
1305 program exists and is available to the child.

1306 (d) If the child has engaged in conduct which results in property
1307 damage or personal injury, the court may order the child or the parent
1308 or parents or guardian of the child, if such parent or parents or
1309 guardian had knowledge of and condoned the conduct of the child, or
1310 both the child and the parent or parents or guardian, to make
1311 restitution to the victim of such offense, provided the liability of such
1312 parent or parents or guardian shall be limited to an amount not
1313 exceeding the amount such parent or parents or guardian would be
1314 liable for in an action under section 52-572. Restitution may consist of
1315 monetary reimbursement for the damage or injury, based on the
1316 child's or the parent's, parents' or guardian's ability to pay, as the case
1317 may be, in the form of a lump sum or installment payments, paid to
1318 the court clerk or such other official designated by the court for
1319 distribution to the victim.

1320 (e) The court may order the child to participate in a program of
1321 community service under the supervision of the court or any
1322 organization designated by the court. Such child shall not be deemed
1323 to be an employee and the services of such child shall not be deemed
1324 employment.

1325 [(f) If the court further finds that its probation services or other
1326 services available to the court are not adequate for such child, the court
1327 shall commit such child to the Department of Children and Families in
1328 accordance with the provisions of section 46b-141.

1329 (g) Any child or youth coming within the jurisdiction of the court,
1330 who is found to be mentally ill, may be committed by said court to the
1331 Commissioner of Children and Families and, if the court convicts a
1332 child as delinquent and finds such child to be mentally deficient, the
1333 court may commit such child to an institution for mentally deficient
1334 children or youth or delinquents. No such commitment may be
1335 ordered or continued for any child who has attained the age of twenty.
1336 Whenever it is found that a child convicted as delinquent or adjudged
1337 to be a member of a family with service needs would benefit from a
1338 work-study program or employment with or without continued school
1339 attendance, the court may, as a condition of probation or supervision,
1340 authorize such child to be employed for part or full-time at some
1341 useful occupation that would be favorable to such child's welfare, and
1342 the probation officer shall supervise such employment. For the
1343 purposes of this section, the limitations of subsection (a) of section 31-
1344 23 on the employment of minors under the age of sixteen years shall
1345 not apply for the duration of such probation or supervision.

1346 (h) Whenever the court commits a child to the Department of
1347 Children and Families, there shall be delivered with the mittimus a
1348 copy of the results of the investigations made as required by section
1349 46b-134.]

1350 (f) At any time during a period of probation supervision or
1351 probation supervision with residential placement, the court may
1352 authorize the child's probation officer to convene a case review team

1353 meeting with the child and the child's attorney on any case that is
1354 being considered for residential placement or that is complex and
1355 could benefit from a multi-systemic approach. The juvenile probation
1356 supervisor and juvenile probation officer shall facilitate the meeting,
1357 which may also include the following participants: (1) The child's
1358 family; (2) the state's attorney; (3) school officials; (4) treatment
1359 providers; and (5) representatives from other state agencies, as deemed
1360 appropriate. Any recommendations to modify conditions of probation
1361 supervision, including residential placement, shall be presented to the
1362 court for consideration and approval.

1363 (g) A child adjudicated as delinquent shall not be placed on
1364 probation supervision with residential placement in a secure or staff-
1365 secure facility unless a current predispositional study has been
1366 completed and reviewed by the court and: (1) Such placement is
1367 indicated by the child's clinical and behavioral needs; or (2) the level of
1368 risk the child poses to public safety cannot be managed in a less
1369 restrictive setting. The court shall consider all relevant reports,
1370 evaluations and studies proffered or admitted as evidence. The child's
1371 length of stay in a residential facility shall be dependent on the child's
1372 treatment progress and attainment of treatment goals.

1373 (h) The court may, at any time, require from the [department]
1374 Department of Children and Families in whose care a child has been
1375 placed [such] a report as to such child and such child's treatment.

1376 [(i) If the delinquent act for which the child is committed to the
1377 Department of Children and Families is a serious juvenile offense, the
1378 court may set a minimum period of twelve months during which the
1379 child shall be placed in a residential facility operated by or under
1380 contract with said department, as determined by the Commissioner of
1381 Children and Families. No such commitment may be ordered or
1382 continued for any child who has attained the age of twenty. The setting
1383 of such minimum period shall be in the form of an order of the court
1384 included in the mittimus. For good cause shown in the form of an
1385 affidavit annexed thereto, the Department of Children and Families,

1386 the parent or guardian of the child or the child may petition the court
1387 for modification of any such order.

1388 (j) Except as otherwise provided in this section, the court may order
1389 that a child be (1) committed to the Department of Children and
1390 Families and, after consultation with said department, the court may
1391 order that the child be placed directly in a residential facility within
1392 this state and under contract with said department, or (2) committed to
1393 the Commissioner of Children and Families for placement by the
1394 commissioner, in said commissioner's discretion, (A) with respect to
1395 the juvenile offenders determined by the Department of Children and
1396 Families to be the highest risk, in the Connecticut Juvenile Training
1397 School, if the juvenile offender is a male, or in another state facility,
1398 presumptively for a minimum period of twelve months, or (B) in a
1399 private residential or day treatment facility within or outside this state,
1400 or (C) on parole. No such commitment may be ordered or continued
1401 for any child who has attained the age of twenty. The commissioner
1402 shall use a risk and needs assessment classification system to ensure
1403 that children who are in the highest risk level will be placed in an
1404 appropriate secure treatment setting.

1405 (k) On or after May 21, 2004, no female child committed to the
1406 Department of Children and Families shall be placed in the
1407 Connecticut Juvenile Training School. Any female child placed in the
1408 Connecticut Juvenile Training School before May 21, 2004, shall be
1409 transferred to another appropriate facility not later than ninety days
1410 after May 21, 2004.

1411 (l) Notwithstanding any provisions of the general statutes
1412 concerning the confidentiality of records and information, whenever a
1413 child convicted as delinquent is committed to the Department of
1414 Children and Families, the Commissioner of Children and Families
1415 shall have access to the following information: (1) Educational records
1416 of such child; (2) records regarding such child's past treatment for
1417 physical or mental illness, including substance abuse; (3) records
1418 regarding such child's prior placement in a public or private

1419 residential facility; (4) records created or obtained by the Judicial
1420 Department regarding such child; and (5) records, as defined in
1421 subsection (a) of section 17a-28. The Commissioner of Children and
1422 Families shall review such information to determine the appropriate
1423 services and placement which will be in the best interest of the child.]

1424 Sec. 22. Section 46b-140a of the general statutes is repealed and the
1425 following is substituted in lieu thereof (*Effective July 1, 2018*):

1426 (a) At any time during the period of probation [or suspended
1427 commitment] supervision or probation supervision with residential
1428 placement, after hearing and for good cause shown, the court may
1429 modify or enlarge the conditions, whether originally imposed by the
1430 court under this section or otherwise, and may extend the period of
1431 probation supervision or probation supervision with residential
1432 placement by not more than twelve months, for a total maximum
1433 supervision period not to exceed thirty months, as deemed appropriate
1434 by the court. The court shall cause a copy of any such order to be
1435 delivered to the child [or youth] and to such child's [or youth's] parent
1436 or guardian and probation officer.

1437 [(b) The period of participation in an alternative incarceration
1438 program, as a condition of probation or suspended commitment,
1439 unless terminated sooner, shall not exceed the original period of
1440 probation or suspended commitment.]

1441 (b) During any period of probation supervision or probation
1442 supervision with residential placement the court may convene a
1443 probation status review hearing. A probation officer may file an ex
1444 parte request for a probation status review hearing with the clerk of
1445 the court, regardless of whether a new offense or violation has been
1446 filed. If the court finds that the ex-parte request is in the child's or the
1447 public's best interest, the court may grant the ex-parte request and
1448 convene a probation status review hearing within seven days. The
1449 probation officer shall inform the child and parent or legal guardian of
1450 the scheduled court date and time. The child shall be represented by
1451 counsel at the hearing. If the child or the child's parents or guardian do

1452 not appear at the hearing, absent actual or in-hand service of the
1453 notice, the failure to appear at the hearing shall not be deemed wilful.
1454 The court may continue the hearing to a future date and order that the
1455 child and the child's parents or guardian be served with notice to
1456 appear in court in the manner prescribed by section 46b-128, as
1457 amended by this act. By agreement of the parties or at the conclusion
1458 of an evidentiary hearing, the court may modify or enlarge the
1459 conditions of probation, and if appropriate, the court may order that
1460 the child be placed in a secure or staff-secure residential facility,
1461 provided no child shall be ordered to be placed in a secure or staff-
1462 secure residential facility unless such placement is indicated by the
1463 child's clinical and behavioral needs or the level of risk the child poses
1464 to public safety cannot be managed in a less restrictive setting.

1465 (c) At any time during the period of probation [or suspended
1466 commitment] supervision or probation supervision with residential
1467 placement, the court may issue a warrant for the arrest of a child [or
1468 youth] for violation of any of the conditions of probation [or
1469 suspended commitment] supervision or probation supervision with
1470 residential placement, or may issue a notice to appear to answer to a
1471 charge of such violation, which notice shall be personally served upon
1472 the child. [or youth.] Any such warrant shall authorize all officers
1473 named therein to return the child [or youth] to the custody of the court
1474 or to any suitable juvenile detention facility designated by the court in
1475 accordance with subsection (e) of section 46b-133, as amended by this
1476 act.

1477 (d) If [such] a violation of probation supervision or probation
1478 supervision with residential placement is established, the court may
1479 continue or revoke the order of probation [or suspended commitment]
1480 supervision or probation supervision with residential placement or
1481 modify or enlarge the conditions [and, if such order of probation or
1482 suspended commitment is revoked, require the child or youth to serve
1483 the commitment imposed or impose any lesser commitment. No such
1484 revocation shall be ordered, except upon consideration of the whole
1485 record and unless such violation is established by reliable and

1486 probative evidence] of probation supervision or probation supervision
1487 with residential placement in accordance with section 46b-140, as
1488 amended by this act.

1489 [(e) Upon a determination by the court that a child or youth has
1490 violated probation by failing to comply with the requirements of
1491 electronic monitoring, the Court Support Services Division shall notify
1492 the local law enforcement agency of such violation.]

1493 Sec. 23. Section 46b-141d of the general statutes is repealed and the
1494 following is substituted in lieu thereof (*Effective July 1, 2018*):

1495 Any child who is arrested and held in a detention center, an
1496 alternative detention center or a police station or courthouse lockup
1497 prior to the disposition of a juvenile matter shall, if subsequently
1498 [convicted] adjudicated as delinquent by the Superior Court and
1499 sentenced to a period of probation supervision or probation
1500 supervision with residential placement, earn a reduction of such
1501 child's period of probation supervision or probation supervision with
1502 residential placement, including any extensions thereof, equal to the
1503 number of days that such child spent in such detention center or
1504 lockup.

1505 Sec. 24. Subsection (g) of section 10-253 of the 2018 supplement to
1506 the general statutes is repealed and the following is substituted in lieu
1507 thereof (*Effective July 1, 2018*):

1508 (g) (1) For purposes of this subsection, "juvenile detention facility"
1509 means a juvenile detention facility operated by, or under contract with,
1510 the Judicial Department, and "juvenile residential facility" means a
1511 juvenile residential facility operated by, or under contract with the
1512 Judicial Department.

1513 (2) The local or regional board of education for the school district in
1514 which a juvenile detention facility or juvenile residential facility is
1515 located shall be responsible for the provision of general education and
1516 special education and related services to children detained in such

1517 [facility] facilities. The provision of general education and special
1518 education and related services shall be in accordance with all
1519 applicable state and federal laws concerning the provision of
1520 educational services. Such board may provide such educational
1521 services directly or may contract with public or private educational
1522 service providers for the provision of such services. Tuition may be
1523 charged to the local or regional board of education under whose
1524 jurisdiction the child would otherwise be attending school for the
1525 provision of general education and special education and related
1526 services. Responsibility for the provision of educational services to the
1527 child shall begin on the date of the child's placement in the juvenile
1528 detention facility or juvenile residential facility and financial
1529 responsibility for the provision of such services shall begin upon the
1530 receipt by the child of such services.

1531 (3) The local or regional board of education under whose
1532 jurisdiction the child would otherwise be attending school or, if no
1533 such board can be identified, the local or regional board of education
1534 for the school district in which the juvenile detention facility or
1535 juvenile residential facility is located shall be financially responsible
1536 for the tuition charged for the provision of educational services to the
1537 child in such juvenile detention facility or juvenile residential facility.
1538 The State Board of Education shall pay, on a current basis, any costs in
1539 excess of such local or regional board of education's prior year's
1540 average per pupil costs. If the local or regional board of education
1541 under whose jurisdiction the child would otherwise be attending
1542 school cannot be identified, the local or regional board of education for
1543 the school district in which the juvenile detention facility or juvenile
1544 residential facility is located shall be eligible to receive on a current
1545 basis from the State Board of Education any costs in excess of such
1546 local or regional board of education's prior year's average per pupil
1547 costs. Application for the grant to be paid by the state for costs in
1548 excess of the local or regional board of education's basic contribution
1549 shall be made in accordance with the provisions of subdivision (5) of
1550 subsection (e) of section 10-76d.

1551 (4) The local or regional board of education under whose
1552 jurisdiction the child would otherwise be attending school shall be
1553 financially responsible for the provision of educational services to the
1554 child placed in a juvenile detention facility or juvenile residential
1555 facility as provided in subdivision (3) of this subsection
1556 notwithstanding that the child has been suspended from school
1557 pursuant to section 10-233c, has been expelled from school pursuant to
1558 section 10-233d or has withdrawn, dropped out or otherwise
1559 terminated enrollment from school. Upon notification of such board of
1560 education by the educational services provider for the juvenile
1561 detention facility or juvenile residential facility, the child shall be
1562 reenrolled in the school district where the child would otherwise be
1563 attending school or, if no such district can be identified, in the school
1564 district in which the juvenile detention facility or juvenile residential
1565 facility is located, and provided with educational services in
1566 accordance with the provisions of this subsection.

1567 (5) The local or regional board of education under whose
1568 jurisdiction the child would otherwise be attending school or, if no
1569 such board can be identified, the local or regional board of education
1570 for the school district in which the juvenile detention facility or
1571 juvenile residential facility is located shall be notified in writing by the
1572 Judicial Branch of the child's placement at the juvenile detention
1573 facility or juvenile residential facility not later than one business day
1574 after the child's placement, notwithstanding any provision of the
1575 general statutes to the contrary. The notification shall include the
1576 child's name and date of birth, the address of the child's parents or
1577 guardian, placement location and contact information, and such other
1578 information as is necessary to provide educational services to the child.

1579 (6) Prior to the child's discharge from the juvenile detention facility
1580 or juvenile residential facility, an assessment of the school work
1581 completed by the child shall be conducted by the local or regional
1582 board of education responsible for the provision of educational
1583 services to children in the juvenile detention facility or juvenile
1584 residential facility to determine an assignment of academic credit for

1585 the work completed. Credit assigned shall be the credit of the local or
1586 regional board of education responsible for the provision of the
1587 educational services. Credit assigned for work completed by the child
1588 shall be accepted in transfer by the local or regional board of education
1589 for the school district in which the child continues his or her education
1590 after discharge from the juvenile detention facility or juvenile
1591 residential facility.

1592 Sec. 25. Subsection (d) of section 4b-3 of the general statutes is
1593 repealed and the following is substituted in lieu thereof (*Effective July*
1594 *1, 2018*):

1595 (d) Notwithstanding any other statute or special act to the contrary,
1596 the Commissioner of Administrative Services shall be the sole person
1597 authorized to represent the state in its dealings with third parties for
1598 the construction, development, acquisition or leasing of real estate for
1599 housing the offices or equipment of all agencies of the state or for the
1600 state-owned public buildings or realty, as provided for in sections 2-90,
1601 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-
1602 32, subsection (c) of section 4b-66 and sections 4b-67 to 4b-69, inclusive,
1603 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144,
1604 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-
1605 27f, except that (1) the Joint Committee on Legislative Management
1606 may represent the state in the planning and construction of the
1607 Legislative Office Building and related facilities, in Hartford; (2) the
1608 Chief Court Administrator may represent the state in providing for (A)
1609 space for the Court Support Services Division as part of a new or
1610 existing contract for an alternative incarceration program pursuant to
1611 section 54-103b or a program developed pursuant to section [46b-121i,
1612 46b-121j,] 46b-121k, [or 46b-121l,] or (B) other real estate needs of the
1613 Judicial Branch when delegated authority to do so by the
1614 Commissioner of Administrative Services; (3) the board of trustees of a
1615 constituent unit of the state system of higher education may represent
1616 the state in the leasing of real estate for housing the offices or
1617 equipment of such constituent unit, provided no lease payments for
1618 such realty are made with funds generated from the general revenues

1619 of the state; (4) the Labor Commissioner may represent the state in the
1620 leasing of premises required for employment security operations as
1621 provided in subsection (c) of section 31-250; (5) the Commissioner of
1622 Developmental Services may represent the state in the leasing of
1623 residential property as part of the program developed pursuant to
1624 subsection (b) of section 17a-218, provided such residential property
1625 does not exceed two thousand five hundred square feet, for the
1626 community placement of persons eligible to receive residential services
1627 from the department; (6) the Commissioner of Mental Health and
1628 Addiction Services may represent the state in the leasing of residential
1629 units as part of a program developed pursuant to section 17a-455a,
1630 provided each such residential unit does not exceed two thousand five
1631 hundred square feet; and (7) the Connecticut Marketing Authority may
1632 represent the state in the leasing of land or markets under the control
1633 of the Connecticut Marketing Authority, and, except for the housing of
1634 offices or equipment in connection with the initial acquisition of an
1635 existing state mass transit system or the leasing of land by the
1636 Connecticut Marketing Authority for a term of one year or more in
1637 which cases the actions of the Department of Transportation and the
1638 Connecticut Marketing Authority shall be subject to the review and
1639 approval of the State Properties Review Board. The Commissioner of
1640 Administrative Services may establish and implement any procedures
1641 necessary for the commissioner to assume the commissioner's
1642 responsibilities as said sole bargaining agent for state realty
1643 acquisitions and shall perform the duties necessary to carry out such
1644 procedures. The Commissioner of Administrative Services may
1645 appoint, within the department's budget and subject to the provisions
1646 of chapter 67, such personnel deemed necessary by the commissioner
1647 to carry out the provisions of this section, including experts in real
1648 estate, construction operations, financing, banking, contracting,
1649 architecture and engineering. The Attorney General's office, at the
1650 request of the Commissioner of Administrative Services, shall assist
1651 the commissioner in contract negotiations regarding the purchase,
1652 lease or construction of real estate.

1653 Sec. 26. Subsection (a) of section 46b-121k of the general statutes is

1654 repealed and the following is substituted in lieu thereof (*Effective July*
1655 *1, 2018*):

1656 (a) (1) The Judicial Branch shall develop constructive programs for
1657 the prevention and reduction of delinquency and crime among
1658 juvenile offenders. To develop such programs, the executive director of
1659 the Court Support Services Division within the Judicial Branch shall
1660 cooperate with other agencies to encourage the establishment of new
1661 programs and to provide a continuum of services for juvenile
1662 offenders who do not require secure placement, including, but not
1663 limited to, juveniles classified pursuant to the risk [assessment]
1664 screening instrument [described in section 46b-121i] developed
1665 pursuant to section 46b-133g, as amended by this act, as those who
1666 may be released with structured supervision and those who may be
1667 released without supervision. When appropriate, the Judicial Branch
1668 shall coordinate such programs with the Department of Children and
1669 Families and the Department of Mental Health and Addiction Services.

1670 (2) The programs shall be tailored to the type of juvenile, including
1671 the juvenile's offense history, age, maturity and social development,
1672 gender, mental health, alcohol dependency or drug dependency, need
1673 for structured supervision and other characteristics, and shall be
1674 culturally appropriate, trauma-informed and provided in the least
1675 restrictive environment possible in a manner consistent with public
1676 safety. The Judicial Branch shall develop programs that provide: (A)
1677 Intensive general education, with an individualized remediation plan
1678 for each juvenile; (B) appropriate job training and employment
1679 opportunities; (C) counseling sessions in anger management and
1680 nonviolent conflict resolution; (D) treatment and prevention programs
1681 for alcohol dependency and drug dependency; (E) mental health
1682 screening, assessment and treatment; (F) sexual offender treatment;
1683 and (G) services for families of juveniles.

1684 Sec. 27. Section 46b-145 of the general statutes is repealed and the
1685 following is substituted in lieu thereof (*Effective July 1, 2018*):

1686 No child shall be prosecuted for an offense before the regular

1687 criminal docket of the Superior Court except as provided in section
1688 46b-127. [and subsection (f) of section 46b-133c.]

1689 Sec. 28. Section 17a-7 of the general statutes is repealed and the
1690 following is substituted in lieu thereof (*Effective July 1, 2018*):

1691 Except as otherwise limited by subsection (i) of section 46b-140, [and
1692 subsection (a) of section 46b-141,] the Commissioner of Children and
1693 Families or the commissioner's designee may, when deemed in the
1694 best interests of a child committed to the custody of the commissioner
1695 as delinquent by the Superior Court, place such child on parole under
1696 such terms or conditions as the commissioner or the commissioner's
1697 designee deem to be in the best interests of such child. When in the
1698 opinion of the commissioner or the commissioner's designee it is no
1699 longer in the best interest of such child to remain on parole or when
1700 the child has violated a condition of aftercare, such child may be
1701 returned to any institution, resource or facility administered by or
1702 available to the Department of Children and Families, provided the
1703 child shall have a right to a hearing, not more than thirty days after the
1704 child's return to placement, pursuant to procedures adopted by the
1705 commissioner in accordance with sections 4-176e to 4-181a, inclusive.

1706 Sec. 29. Subsection (d) of section 17a-10 of the general statutes is
1707 repealed and the following is substituted in lieu thereof (*Effective July*
1708 *1, 2018*):

1709 (d) If the Superior Court requests a report on any committed child,
1710 the commissioner shall be responsible for preparing and transmitting
1711 such report to the requesting court. Not more than sixty days nor less
1712 than thirty days prior to the expiration of the original commitment of
1713 any child to the department. [the commissioner may file a motion for
1714 an extension of commitment pursuant to the provisions of section 46b-
1715 141.] If the commissioner, or the board of review pursuant to the
1716 provisions of section 17a-15, at any time during the commitment of any
1717 child, determines that termination of commitment of a child is in the
1718 best interest of such child, the commissioner or the board may
1719 terminate the commitment and such termination shall be effective

1720 without further action by the court.

1721 Sec. 30. Subsection (g) of section 17a-28 of the 2018 supplement to
1722 the general statutes is repealed and the following is substituted in lieu
1723 thereof (*Effective July 1, 2018*):

1724 (g) The department shall disclose records, subject to subsections (b)
1725 and (c) of this section, without the consent of the person who is the
1726 subject of the record, to:

1727 (1) The person named in the record or such person's authorized
1728 representative, provided such disclosure shall be limited to
1729 information (A) contained in the record about such person or about
1730 such person's biological or adoptive minor child, if such person's
1731 parental rights to such child have not been terminated; and (B)
1732 identifying an individual who reported abuse or neglect of the person,
1733 including any tape recording of an oral report pursuant to section 17a-
1734 103, if a court determines that there is reasonable cause to believe the
1735 reporter knowingly made a false report or that the interests of justice
1736 require disclosure;

1737 (2) An employee of the department for any purpose reasonably
1738 related to the performance of such employee's duties;

1739 (3) A guardian ad litem or attorney appointed to represent a child or
1740 youth in litigation affecting the best interests of the child or youth;

1741 (4) An attorney representing a parent, guardian or child in a petition
1742 filed in the Superior Court pursuant to section 17a-112 or 46b-129,
1743 provided (A) if such records do not pertain to such attorney's client or
1744 such client's child, such records shall not be further disclosed to
1745 another individual or entity by such attorney except pursuant to the
1746 order of a court of competent jurisdiction, (B) if such records are
1747 confidential pursuant to federal law, such records shall not be
1748 disclosed to such attorney or such attorney's client unless such
1749 attorney or such attorney's client is otherwise entitled to such records,
1750 and (C) nothing in this subdivision shall limit the disclosure of records

1751 under subdivision (3) of this subsection;

1752 (5) The Attorney General, any assistant attorney general or any
1753 other legal counsel retained to represent the department during the
1754 course of a legal proceeding involving the department or an employee
1755 of the department;

1756 (6) The Child Advocate or the Child Advocate's designee;

1757 (7) The Chief Public Defender or the Chief Public Defender's
1758 designee for purposes of ensuring competent representation by the
1759 attorneys with whom the Chief Public Defender contracts to provide
1760 legal and guardian ad litem services to the subjects of such records and
1761 for ensuring accurate payments for services rendered by such
1762 attorneys;

1763 (8) The Chief State's Attorney or the Chief State's Attorney's
1764 designee for purposes of investigating or prosecuting (A) an allegation
1765 related to child abuse or neglect, (B) an allegation that an individual
1766 made a false report of suspected child abuse or neglect, or (C) an
1767 allegation that a mandated reporter failed to report suspected child
1768 abuse or neglect in accordance with section 17a-101a, provided such
1769 prosecuting authority shall have access to records of a child charged
1770 with the commission of a delinquent act, who is not being charged
1771 with an offense related to child abuse, only while the case is being
1772 prosecuted and after obtaining a release;

1773 (9) A state or federal law enforcement officer, including a military
1774 law enforcement authority under the United States Department of
1775 Defense, for purposes of investigating (A) an allegation related to child
1776 abuse or neglect, (B) an allegation that an individual made a false
1777 report of suspected child abuse or neglect, or (C) an allegation that a
1778 mandated reporter failed to report suspected child abuse or neglect in
1779 accordance with section 17a-101a;

1780 (10) A foster or prospective adoptive parent, if the records pertain to
1781 a child or youth currently placed with the foster or prospective

1782 adoptive parent, or a child or youth being considered for placement
1783 with the foster or prospective adoptive parent, and the records are
1784 necessary to address the social, medical, psychological or educational
1785 needs of the child or youth, provided no information identifying a
1786 biological parent is disclosed without the permission of such biological
1787 parent;

1788 (11) The Governor, when requested in writing in the course of the
1789 Governor's official functions, the joint standing committee of the
1790 General Assembly having cognizance of matters relating to human
1791 services, the joint standing committee of the General Assembly having
1792 cognizance of matters relating to the judiciary or the joint standing
1793 committee of the General Assembly having cognizance of matters
1794 relating to children, when requested in writing by any of such
1795 committees in the course of such committee's official functions, and
1796 upon a majority vote of such committee, provided no name or other
1797 identifying information is disclosed unless such information is
1798 essential to the gubernatorial or legislative purpose;

1799 (12) The Office of Early Childhood for the purpose of (A)
1800 determining the suitability of a person to care for children in a facility
1801 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining
1802 the suitability of such person for licensure; (C) an investigation
1803 conducted pursuant to section 19a-80f; (D) notifying the office when
1804 the Department of Children and Families places an individual licensed
1805 or certified by the office on the child abuse and neglect registry
1806 pursuant to section 17a-101k; or (E) notifying the office when the
1807 Department of Children and Families possesses information regarding
1808 an office regulatory violation committed by an individual licensed or
1809 certified by the office;

1810 (13) The Department of Developmental Services, to allow said
1811 department to determine eligibility, facilitate enrollment and plan for
1812 the provision of services to a child who is a client of said department
1813 and who is applying to enroll in or is enrolled in said department's
1814 behavioral services program. At the time that a parent or guardian

1815 completes an application for enrollment of a child in the Department of
1816 Developmental Services' behavioral services program, or at the time
1817 that said department updates a child's annual individualized plan of
1818 care, said department shall notify such parent or guardian that the
1819 Department of Children and Families may provide records to the
1820 Department of Developmental Services for the purposes specified in
1821 this subdivision without the consent of such parent or guardian;

1822 (14) Any individual or entity for the purposes of identifying
1823 resources that will promote the permanency plan of a child or youth
1824 approved by the court pursuant to sections 17a-11, 17a-111b [,] and
1825 46b-129; [and 46b-141;]

1826 (15) A state agency that licenses or certifies a person to educate, care
1827 for or provide services to children or youths;

1828 (16) A judge or employee of a Probate Court who requires access to
1829 such records in order to perform such judge's or employee's official
1830 duties;

1831 (17) A judge of the Superior Court for purposes of determining the
1832 appropriate disposition of a child convicted as delinquent or a child
1833 who is a member of a family with service needs;

1834 (18) A judge of the Superior Court in a criminal prosecution for
1835 purposes of in camera inspection whenever (A) the court has ordered
1836 that the record be provided to the court; or (B) a party to the
1837 proceeding has issued a subpoena for the record;

1838 (19) A judge of the Superior Court and all necessary parties in a
1839 family violence proceeding when such records concern family violence
1840 with respect to the child who is the subject of the proceeding or the
1841 parent of such child who is the subject of the proceeding;

1842 (20) The Auditors of Public Accounts, or their representative,
1843 provided no information identifying the subject of the record is
1844 disclosed unless such information is essential to an audit conducted
1845 pursuant to section 2-90;

1846 (21) A local or regional board of education, provided the records are
1847 limited to educational records created or obtained by the state or
1848 Connecticut Unified School District #2, established pursuant to section
1849 17a-37;

1850 (22) The superintendent of schools for any school district for the
1851 purpose of determining the suitability of a person to be employed by
1852 the local or regional board of education for such school district
1853 pursuant to subsection (a) of section 10-221d;

1854 (23) The Department of Motor Vehicles for the purpose of criminal
1855 history records checks pursuant to subsection (e) of section 14-44,
1856 provided information disclosed pursuant to this subdivision shall be
1857 limited to information included on the Department of Children and
1858 Families child abuse and neglect registry established pursuant to
1859 section 17a-101k, subject to the provisions of sections 17a-101g and
1860 17a-101k concerning the nondisclosure of findings of responsibility for
1861 abuse and neglect;

1862 (24) The Department of Mental Health and Addiction Services for
1863 the purpose of treatment planning for young adults who have
1864 transitioned from the care of the Department of Children and Families;

1865 (25) The superintendent of a public school district or the executive
1866 director or other head of a public or private institution for children
1867 providing care for children or a private school (A) pursuant to sections
1868 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b and [J] 46b-129, [and 46b-
1869 141,] or (B) when the Department of Children and Families places an
1870 individual employed by such institution or school on the child abuse
1871 and neglect registry pursuant to section 17a-101k;

1872 (26) The Department of Social Services for the purpose of (A)
1873 determining the suitability of a person for payment from the
1874 Department of Social Services for providing child care; (B) promoting
1875 the health, safety and welfare of a child or youth receiving services
1876 from either department; or (C) investigating allegations of fraud
1877 provided no information identifying the subject of the record is

1878 disclosed unless such information is essential to any such
1879 investigation;

1880 (27) The Court Support Services Division of the Judicial Branch, to
1881 allow the division to determine the supervision and treatment needs of
1882 a child or youth, and provide appropriate supervision and treatment
1883 services to such child or youth, provided such disclosure shall be
1884 limited to information that identifies the child or youth, or a member
1885 of such child's or youth's immediate family, as being or having been
1886 (A) committed to the custody of the Commissioner of Children and
1887 Families as delinquent, (B) under the supervision of the Commissioner
1888 of Children and Families, or (C) enrolled in the voluntary services
1889 program operated by the Department of Children and Families;

1890 (28) The Court Support Services Division of the Judicial Branch for
1891 the purpose of sharing common case records to track recidivism of
1892 juvenile offenders;

1893 (29) The birth-to-three program's referral intake office for the
1894 purpose of (A) determining eligibility of, (B) facilitating enrollment for,
1895 and (C) providing services to (i) substantiated victims of child abuse
1896 and neglect with suspected developmental delays, and (ii) newborns
1897 impacted by withdrawal symptoms resulting from prenatal drug
1898 exposure; and

1899 (30) The Department of Public Health for the purpose of notification
1900 when the Commissioner of Children and Families places an individual
1901 licensed or certified by the Department of Public Health on the child
1902 abuse and neglect registry established pursuant to section 17a-101k.

1903 Sec. 31. Subdivision (6) of section 17a-1 of the general statutes is
1904 repealed and the following is substituted in lieu thereof (*Effective July*
1905 *1, 2018*):

1906 (6) "Youth" means [a youth, as defined in section 46b-120] any
1907 person sixteen or seventeen years of age who has not been legally
1908 emancipated;

1909 Sec. 32. Sections 46b-121i, 46b-121j, 46b-121l, 46b-126, 46b-133c, 46b-
 1910 133d, 46b-141, 46b-141a, 46b-141b and 46b-147a of the general statutes
 1911 are repealed. (*Effective July 1, 2018*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>August 1, 2018</i>	10-253(g)
Sec. 5	<i>from passage</i>	10-253
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	46b-121n
Sec. 10	<i>July 1, 2018</i>	46b-120
Sec. 11	<i>July 1, 2019</i>	46b-120(5)
Sec. 12	<i>July 1, 2018</i>	46b-121
Sec. 13	<i>July 1, 2018</i>	46b-121h
Sec. 14	<i>July 1, 2018</i>	46b-121k
Sec. 15	<i>July 1, 2018</i>	46b-124
Sec. 16	<i>July 1, 2018</i>	46b-125
Sec. 17	<i>July 1, 2018</i>	46b-128(a)
Sec. 18	<i>July 1, 2018</i>	46b-133(d) to (f)
Sec. 19	<i>July 1, 2018</i>	46b-133g
Sec. 20	<i>July 1, 2018</i>	46b-134
Sec. 21	<i>July 1, 2018</i>	46b-140
Sec. 22	<i>July 1, 2018</i>	46b-140a
Sec. 23	<i>July 1, 2018</i>	46b-141d
Sec. 24	<i>July 1, 2018</i>	10-253(g)
Sec. 25	<i>July 1, 2018</i>	4b-3(d)
Sec. 26	<i>July 1, 2018</i>	46b-121k(a)
Sec. 27	<i>July 1, 2018</i>	46b-145
Sec. 28	<i>July 1, 2018</i>	17a-7
Sec. 29	<i>July 1, 2018</i>	17a-10(d)
Sec. 30	<i>July 1, 2018</i>	17a-28(g)
Sec. 31	<i>July 1, 2018</i>	17a-1(6)
Sec. 32	<i>July 1, 2018</i>	Repealer section

Statement of Legislative Commissioners:

Sections 14, 32 and 33 were deleted from the bill as those sections were repealed in section 35 of the bill.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.	GF - Savings	None	None
Education, Dept.	GF - Potential Cost	Up to 3 million	Up to 850,000
Education, Dept.	GF - Cost	215,760	215,760
State Comptroller - Fringe Benefits ¹	GF - Cost	67,487	67,487

Note: GF=General Fund

Municipal Impact: None

Explanation

Department of Correction (DOC)

The bill prohibits the Department of Correction (DOC) from holding anyone under 18 in its custody, starting January 1, 2021 and requires DOC, along with the State Department of Education, and the Judicial Department, to develop a plan to implement this change. There is no fiscal impact as the agencies have the expertise to develop this plan.

State Department of Education (SDE)

The bill requires the State Department of Education (SDE) to begin implementing the community-based and school-based diversion systems, and complete implementation by the end of FY 20, within

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

available resources. SDE currently does not have the resources available to implement these systems, and would incur additional costs of up to approximately up to \$3 million in FY 19 and up to approximately \$850,000 in FY 20, and annually thereafter, if implementation were to begin. The table below provides a break down and description of the anticipated costs:

Item	FY 19 (\$)	FY 20 (\$)
Start-up Costs	460,000	0
Training for Youth Service Bureau	1,700,000	0
School Assessment	75,000	75,000
Diversion Pilot	80,000	80,000
Tool Kits	480,000	480,000
Diversion Implementation	140,000	140,000
Data Analysis	75,000	75,000
Total	3,010,000	850,000

The bill requires the Commissioner of Education, by January 1, 2020, to implement a system for improving vocational education for children involved in the juvenile justice system. It is anticipated that this will result in an additional cost of up to \$283,247 per site. The costs are associated with two full-time staff, with annual personal services costs totaling approximately \$185,760 plus annual fringe benefit costs of \$67,487. Additionally, each site will require an additional \$30,000 in mental health supports and credit recovery for students. The bill does not specify the required number of sites for this new program. This estimate is based on one site.

Judicial Department (JUD)

The bill makes various modifications concerning the transfer of juvenile services from the Department of Children and Families to the Judicial Department, as implemented in PA 17-2 JSS, and does not result in new costs.

PA 17-2 JSS allowed the Judicial Department to establish secure and staff-secure residential facilities. These placements are necessary due

to closure of the Connecticut Juvenile Training School. The total cost for such facilities is dependent on how many facilities will be needed and the number of beds at each facility, but it is estimated that each facility will result in a cost of approximately \$2.5 million annually and that Judicial will need at least two facilities (separate facilities for boys and girls).

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 21 \$	FY 22 \$	FY 23 \$
Correction, Dept.	GF - Savings	110,200	110,200	110,200
Education, Dept.	GF - Potential Cost	Up to 850,000	Up to 850,000	Up to 850,000
Education, Dept.	GF - Cost*	220,075	224,477	228,967
State Comptroller - Fringe Benefits	GF - Cost	68,837	70,214	71,618

Note: GF=General Fund

*These figures have been adjusted for inflation at a rate of 2%

Municipal Impact: None

The bill removes inmates under 18 from Department of Correction (DOC) custody and results in a savings to the department beginning in FY 21. There are currently 59 inmates under 18 in DOC custody (1 female and 58 males). On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900.² Additional savings will only be realized if inmate population is reduced to the point that unit or facility closures are possible, which is not expected to occur as a result of this bill.

² Inmate marginal cost is based on reduced consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a reduction in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

OLR Bill Analysis**sHB 5562****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE AND CONCERNING THE TRANSFER OF JUVENILE JUSTICE FUNCTIONS TO THE JUDICIAL BRANCH.**

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Limits the possible dispositions available to the court when sentencing a child for a delinquent act

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Repeals various provisions related to certain judicial branch, DCF, and CSSD juvenile justice responsibilities

BACKGROUND

SUMMARY

This bill makes various changes to the laws governing the juvenile justice system.

Principally, it:

1. prohibits the Department of Correction (DOC) from holding anyone under age 18 in its custody, starting January 1, 2021 (§ 1);
2. requires the State Department of Education (SDE) commissioner, by July 1, 2018, to begin implementing the community-based diversion system and school-based diversion plan, within available resources (§§ 2 & 3);
3. allows the judicial branch to contract to establish secure residential facilities for court-referred juveniles and modifies the laws that delineate school district financial responsibilities for education at juvenile facilities (§§ 4, 14 & 24);
4. requires school districts with over 6,000 students enrolled in the 2016-17 school year to designate at least one liaison to facilitate transitions between the district and the juvenile and criminal justice systems (§ 5);
5. requires the Technical High School System, by January 1, 2020, to provide vocational, technical, and technological training, education, and work experience to children in post-conviction justice system custody (§ 6);
6. by January 1, 2021, requires a single state agency to have the legal responsibility for all education and vocational services for children in, and returning from, justice system custody (§ 7);

7. requires SDE, by January 1, 2020, to develop and implement a plan for a statewide information technology platform to share education records (§ 8);
8. imposes various new juvenile justice-related reporting requirements on the Juvenile Justice Policy and Oversight Committee (JJPOC) and certain state agencies (§ 9);
9. makes several changes to definitions in the laws pertaining to juvenile matters (§ 10);
10. replaces references, throughout the juvenile matters laws, to “probation” with “probation supervision,” modifies the probation conditions the court may order, and makes various other changes to laws related to juvenile probation (§§ 10, 12, 22 & 23);
11. modifies the statutory goals of the juvenile justice system (§ 13);
12. requires the judicial branch to develop a continuum of community-based programs for reducing juvenile delinquency (§ 14);
13. eliminates Department of Children and Families (DCF) employees’ access to records of juvenile delinquency proceedings and expands the circumstances in which such records or other information must be provided to the Department of Motor Vehicles (DMV) commissioner and law enforcement officials (§ 15);
14. modifies juvenile probation officers’ responsibilities with regard to investigations and juvenile supervision (§ 16);
15. allows a juvenile probation supervisor’s designee to establish the term of nonjudicial supervision for a juvenile for whom the court entered a nonjudicial disposition (§ 17);
16. eliminates a requirement that a law enforcement officer who

arrests a youth for prostitution report suspected abuse or neglect to DCF (§ 18);

17. makes changes to conform with PA 17-2 §§ 321-323, which prohibits the juvenile court from committing a child adjudicated delinquent to DCF starting July 1, 2018, by eliminating references throughout the bill to children adjudicated delinquent who are committed to DCF (§§ 10 & 20);
18. repeals various provisions related to certain DCF, CSSD, and judicial branch juvenile justice responsibilities (§ 32); and
19. makes minor, technical, and conforming changes, including changes to conform to repealed sections (§§ 11, 29, 23 & 25-31).

EFFECTIVE DATE: July 1, 2018, except (1) a provision on education services at juvenile detention and residential facilities is effective August 1, 2018, a provision that makes a technical change is effective July 1, 2019, and (3) provisions on DOC custody of minors, a community-based diversion system, the technical high school system, a single state agency overseeing education services for juveniles, a statewide technology information platform, and new reporting requirements are effective upon passage.

§ 1 — ENDING DOC CUSTODY OF MINORS

Starting January 1, 2021, prohibits DOC from holding anyone under age 18 in its custody

Starting January 1, 2021, the bill prohibits DOC from holding anyone under age 18 (i.e., a minor) in its custody. It requires DOC, CSSD, DCF, and SDE to (1) jointly develop a plan to implement this prohibition and (2) submit it to the Judiciary Committee and JJPOC by October 1, 2019.

Under the bill, the plan must ensure that minors who are prosecuted on the adult criminal docket are detained and incarcerated in a safe, secure, and developmentally appropriate environment that is only used to detain and incarcerate minors. It must also recommend

any necessary or appropriate legislation to implement this change, including recommendations for programs, services, and supports for detaining or incarcerating minors who are prosecuted before the adult criminal docket.

§§ 2 & 3 — COMMUNITY- AND SCHOOL-BASED DIVERSION

Requires the SDE commissioner to begin implementing, within available resources, the community-based diversion system and school-based diversion plan

By July 1, 2018, the bill requires the SDE commissioner to begin implementing, within available resources, the community-based diversion system for which the law required JJPOC to develop a plan. By law, the plan had to recommend how to divert children who commit crimes, other than serious juvenile offenses, from the juvenile justice system and provide appropriate services. The commissioner must prioritize resources to the highest need school districts as determined by the number of prior court referrals and district readiness for implementation, provided the plan is fully implemented by June 30, 2020.

The bill also requires the SDE commissioner, by July 1, 2018, to begin implementing the school-based diversion plan the law required CSSD, DCF, SDE, and the Department of Mental Health and Addiction Services to develop. The plan includes options for reducing juvenile justice involvement among children with mental health needs using school based programs. Under the bill, it must be fully implemented by June 30, 2020, provided this can be done within available resources.

§§ 4, 14 & 24 — RESPONSIBILITY FOR EDUCATIONAL SERVICES AND COSTS AT JUVENILE DETENTION AND RESIDENTIAL FACILITIES

Makes various changes to laws regarding education services at juvenile facilities

Juvenile Residential Facilities

Under existing law, the school district where a juvenile detention facility is located is responsible for providing educational services to students at the facility, either directly or through contracts with educational service providers. Currently, the student's home district, or if it cannot be identified, the district where the center is located,

must pay a basic contribution toward the cost of the student's education. The bill applies these same education and funding requirements for students at juvenile residential facilities operated by, or under contract with, the judicial branch. And, as under existing law for students placed in detention facilities, the bill requires the judicial branch to notify the applicable school district about a student's placement in a residential facility within one business day after the placement. Under the bill, the State Board of Education (SBE) is responsible for education costs at the residential facilities in excess of the prior year's average per pupil costs for the school district, as it must already pay for such costs at detention facilities.

Placement in a Detention Facility

Current law requires a student's home district, or if it cannot be identified, the district where the detention center housing the student is located, to re-enroll the student upon receiving notice from the detention facility, regardless of why the student is not enrolled. The bill requires the respective district to enroll the student no more than one business day after receiving the notice.

Under the bill, a student enrolled in a school district who is placed in a juvenile detention facility must (1) remain enrolled in that same school for the duration of his or her detention, unless the student voluntarily terminates enrollment and (2) be able to return to the school immediately upon discharge from detention into the community.

Discharge from Detention Facility

Under the bill, when an educational services provider for a juvenile detention facility learns that a child will be discharged from the facility, the provider must immediately notify the jurisdiction where the child will continue his or her education.

§ 5 — SCHOOL DISTRICT LIAISONS

Requires eligible school districts to designate at least one liaison to facilitate transitions between the district and the juvenile and criminal justice systems

The bill requires each eligible school district (i.e., district with at least 6,000 students enrolled during the 2016-2017 school year) to designate and maintain at least one employee as a liaison to facilitate transitions between the district and the juvenile and criminal justice systems.

The district must provide written notice to CSSD, by August 1st annually, of the liaison's name, professional title, and contact information. The first designations must be made by August 1, 2018.

Under the bill, the liaison must assist the school district, CSSD, and any relevant educational service providers in ensuring that:

1. anyone under age 22 in justice system custody is promptly evaluated for special education services eligibility;
2. students in justice system custody and returning to the community are promptly enrolled in school and receive appropriate credit for school work completed in custody; and
3. all of the relevant records for such students are promptly transferred to the appropriate school district or educational service provider.

Under this section and sections 6 and 7 of the bill, "justice system custody" and "post-conviction justice system custody" mean physical or legal custody or control of a child in a facility or program run by or contracted with DCF, DOC, or CSSD, either pending or pursuant to an adjudication or conviction for a delinquent act or criminal offense. And a child includes:

1. a person who is age 18 or older and (a) committed a delinquent act before turning 18, (b) violates a court order or probation condition with respect to a delinquency proceeding, or (c) wilfully fails to appear in response to a summons or other court hearing in a delinquency proceeding for which he or she received notice and

2. anyone else under age 18.

§ 6 — VOCATIONAL, TECHNICAL, AND TECHNOLOGICAL EDUCATION FOR CHILDREN IN POST-CONVICTION CUSTODY

Requires the Technical High School System, by January 1, 2020, to provide vocational, technical, and technological training, education, and work experience to children in post-conviction justice system custody

By January 1, 2020, the bill requires the Technical High School System (the system) to collaborate with CSSD, SDE, and any relevant private educational programs to provide vocational, technical, and technological education, training, and work experience to children in post-conviction justice system custody (see § 5 for definitions). The education, training, and work experience must, at a minimum, ensure that each child has the opportunity to earn at least one career and technical academic credit to meet high school graduation requirements.

By the same date, the system must amend its admissions criteria so that children in the state who have returned to the community from post-conviction custody have a reasonable opportunity to enroll.

And January 1, 2019, the bill requires the system board and superintendent to develop and submit a plan to implement these provisions. The plan may be incorporated into the summary report that the system submits biennially to the Education Committee under existing law, but it must also be separately submitted to that committee and JJPOC.

§ 7 — SINGLE STATE AGENCY RESPONSIBLE FOR SERVICES AND PROGRAMS FOR CHILDREN IN JUSTICE SYSTEM CUSTODY

By January 1, 2021, requires a single state agency to have the legal responsibility for all education and vocational services for children in, and returning from, justice system custody

Under the bill, by January 1, 2021, a single state agency must (1) be legally responsible for the overall coordination, oversight, supervision, and direction of all vocational and academic education services and programs for children in justice system custody and (2) provide

education-related transitional support services for children returning to the community from justice system custody. That agency must directly operate, or contract with a single nonprofit provider to operate, a single statewide system for providing all educational services and related transitional supports for children in justice system custody.

The bill also requires JJPOC, by July 1, 2018, to convene an 11-member subcommittee to develop a plan to implement these requirements. The subcommittee must submit it, by January 1, 2019, to the Education Committee and JJPOC.

For the purposes of the plan, “school” means a program or institution, or any project or unit of it, that provides academic or vocational education programming for children in justice system custody. (See § 5 for additional definitions.)

Subcommittee Membership

The bill designates appointing authorities and qualifications for the subcommittee members, as described in Table 1.

Table 1: Subcommittee Members

Designating Authorities	Members	Qualifications
Bridgeport and Hartford school districts	One each	None specified
DOC and SDE commissioners	One each	None specified
CSSD executive director	One	None specified
Office of Policy and Management (OPM) Secretary	One	Expert in state budgeting who can help obtain data on relevant expenditures and available resources
JJPOC chairpersons	Three total	Experts with significant career experience providing and coordinating education in justice system settings, but who are not state employees

Executive director of an organization that advocates for legal rights of the state's most vulnerable children	One	A representative of students' and families' interests
Executive director of an organization with the mission of stopping the criminalization of the state's children	One	A representative of students' and families' interests

Plan Requirements. Under the bill, the plan must:

1. identify the single state agency and designate a program manager in that agency to be responsible for planning, coordination, oversight, supervision, quality control, legal compliance, and allocation of relevant state and federal funds for children in justice system custody;
2. describe how educational services will be provided to children in custody and how education-related supports will be provided to children during transitions out of custody, either through the designated agency or a statewide contract with a single nonprofit provider;
3. analyze resources expended to (a) educate children in custody and (b) support educational success during transitions out of custody;
4. make recommendations for consolidating and reallocating resources toward the oversight, accountability, services, and supports the coordinating agency will provide;
5. ensure a range of pathways to educational and economic opportunity for children in justice system custody, including at least a traditional high school diploma program, an accelerated credit recovery program, vocational training programs, and access to post-secondary education;
6. specify components of a statewide accountability and quality

control system for schools that serve children in justice system custody (see below);

7. ensure the statewide education system for children in justice system custody includes certain specified criteria (see below);
8. include a protocol for educational support of children transitioning into and out of justice system custody, including (a) team-based reentry planning for every child, (b) clear and ambitious timelines for transferring educational records at intake and release, and (c) timelines for reenrollment and credit transfer; and
9. recommend any legislation necessary or appropriate to transition to this single state agency model.

Specifications for Statewide Accountability and Quality Control System. The bill requires the statewide accountability and quality control system to include:

1. achievement benchmarks for each school quality measurement;
2. written standards for educational quality for schools that serve children in custody;
3. provisions to ensure each school serving children in custody obtains external accreditation by a recognized accrediting agency; and
4. a set of supports, interventions, and remedies to implement when a school serving children in justice system custody falls consistently or significantly short of quality benchmarks.

The system must also include a program for quality control and evaluation of schools serving children in custody, including in-person observation and monitoring at least annually of each school serving children in custody. The monitoring must be conducted by experts in special education and education in justice-system settings.

Additionally, the system must require an annual specialized school profile and performance report for each school that serves children in custody. The report must be consistent with other accountability systems the law requires and include criteria and metrics tailored to measure the quality of schools that serve these children. The report metrics must include:

1. growth in reading and math;
2. credit accumulation;
3. modified graduation rates and high school equivalent passage rates;
4. school attendance, defined as the percentage of children who are physically present in classrooms for school and educational programs;
5. the percentage of students pursuing a high school diploma, an industry-based certification, a recognized high school diploma equivalent, credits for advanced courses, and post-secondary education;
6. performance in educating children with exceptionalities, including identifying special education needs, developing best practices for individualized education programs (IEPs), and providing IEP-mandated services and supports;
7. reenrollment in school or other educational or vocational training programs after leaving custody;
8. success in post-release high school, post-secondary education, or job-training programs; and
9. compliance with the plan's protocols for supporting educational transitions.

Provisions for the Statewide Education System. Under the bill, the plan must include provisions to ensure that the statewide

education system for children in justice system custody includes engaging:

1. at least one curriculum development specialist to (a) support learning in schools that serve children in justice system custody and (b) develop a flexible, high-interest, modular curriculum aligned with state standards and adapted to the context of educating such children;
2. at least one professional development and teacher training specialist to support teachers in schools that serve such children; and
3. professional reentry coordinators to support educational success in children returning to the community.

§ 8 — STATEWIDE INFORMATION TECHNOLOGY PLATFORM

Requires SDE, by January 1, 2020, to develop and implement a plan for a statewide information technology platform to share education records

The bill requires SDE, by January 1, 2020, to develop and implement a plan to incentivize and support school district participation in a statewide information technology platform that allows real-time sharing of educational records among schools and school districts.

By February 1, 2019, the SDE commissioner must provide information on progress towards that plan to the Education Committee and JJPOC.

§ 9 — NEW REPORTING REQUIREMENTS

Imposes various new juvenile justice-related reporting requirements on JJPOC and certain state agencies

Confinement Conditions at Manson Youth Institution

The bill adds to JJPOC's existing responsibilities a requirement that it periodically request, receive, and review information on confinement conditions, including available services, for individuals under age 18 who are detained at John R. Manson Youth Institution in Cheshire.

By October 1, 2018, JJPOC must report to the Appropriations,

Children's, Judiciary, and Human Services committees and the OPM secretary on current confinement conditions, including services available, for people under age 18 who are detained or incarcerated in correctional facilities, juvenile secure facilities, and out-of-home placements in the juvenile and criminal justice systems. The report must include any (1) gaps in services and (2) the continued availability and use of mental health, education, rehabilitative, and family services.

Juvenile Justice Reinvestment Plan

By January 1, 2020, JJPOC must report to the same committees (see above) and the OPM secretary on a juvenile justice reinvestment plan. The report must study and make recommendations for reinvesting savings from the decreased use of incarceration and congregate care towards (1) strategic investments in home-, school-, and community-based behavioral health services and (2) supports for children diverted from, or involved with, the juvenile justice system.

Compliance with Prohibition on Out-of-School Suspension

By January 1, 2019, the bill also requires DCF, DOC, and CSSD to begin annually reporting to JJPOC on their compliance with the law prohibiting out-of-school suspension for any child residing in a facility they operate. The report must present evidence of compliance in both state facilities and those facilities managed by a state-contracted private provider and include data on all individuals under age 18 who were removed or excluded from educational settings due to alleged behavior.

De-Escalation, Rearrests, and Confinement

And by January 1, 2019, the bill requires all state agencies that detain or hold in custody a person under age 18 involved with the juvenile or criminal justice system or that contract for housing such person to begin annually reporting to JJPOC on compliance with the law requiring congregate care settings to (1) promote de-escalation and (2) monitor and track de-escalation efforts. The report must include (1) evidence of compliance in both direct-run and contract facilities and (2) data on all rearrests and use of confinements and restraints for youth

in justice system custody.

§§ 10 & 34 — DEFINITIONS

Makes several changes to definitions in the laws pertaining to juvenile matters

The bill makes changes to several definitions in the laws pertaining to juvenile matters. Among these changes, it eliminates the definition of a serious juvenile repeat offender, which is currently a child charged with committing a felony if he or she was previously adjudicated delinquent or convicted of certain felonies at least twice. It also eliminates obsolete definitions for “youth” and “mentally deficient,” but preserves the definition of “youth” (i.e., a 16- or 17- year old) in the DCF statutes.

Additionally, it defines:

1. “risk and needs assessment” as a standardized tool that (a) assists juvenile probation officers collect and synthesize information about a child to estimate the child’s recidivating risk and identify other factors that, if treated and changed, can reduce the likelihood of reoffending and (b) provides guidance for intervention planning;
2. “secure residential facility” as a hardware-secured facility that provides residential treatment in a controlled and restrictive manner;
3. “staff-secure residential facility” is a facility that provides residential treatment for children in a structured setting where staff monitor the children;
4. “probation supervision” as a legal status under which a juvenile who was adjudicated delinquent is placed by court order under juvenile probation supervision for a specified period of time and on terms the court determines; and
5. “probation supervision with residential placement” as probation supervision with placement in a secure or staff-secure residential

treatment facility, as ordered by the court, and a period of community supervision.

§§ 10, 12, 21 & 22 — PROBATION SUPERVISION

Replaces references, throughout the juvenile matters laws, to “probation” with “probation supervision”; modifies the probation conditions the court may order; makes various other changes to laws related to juvenile probation

Under the bill, a person age 18 or older who is on probation supervision with or without residential placement falls under the juvenile court’s continuing jurisdiction. Anyone on probation supervision may be subject to other reasonable court-ordered restrictions or conditions and required to participate in appropriate programmatic services. The bill replaces references to “probation” throughout the juvenile matters statutes with “probation supervision.”

Currently, a child may be adjudicated delinquent for, among other things, violating conditions of probation. The bill specifies that a child may be adjudicated delinquent for violating conditions of probation supervision or probation with residential placement and, as a corollary, that such actions constitute delinquent acts.

Probation Supervision Conditions

Current law specifies certain orders the court may issue as conditions of juvenile probation. The bill instead specifies that the court may issue certain orders as conditions of probation supervision with or without residential placement. The bill eliminates from those conditions participating in an alternative incarceration program or other program CSSD establishes. The bill provides that the court may order, as a condition of probation supervision with or without residential placement, that the child (1) participate in a youth service bureau program; (2) obtain technical or vocational training, or both; (3) make a good faith effort to obtain and maintain employment; or (4) be placed in an appropriate residential facility. The bill also allows the court to require the child or his or her parents or guardian or both to make restitution to the victim. Current law permits the court to order the child to make such restitution. Existing law allows the court to also order where the child must live, drug or alcohol treatment or testing,

and school attendance, among other things.

Case Review Team Meeting

Under the bill, the court may authorize the child's probation officer, at any time during the probation supervision period, to convene a case review team meeting with the child and his or her attorney on a case (1) being considered for residential placement or (2) that is complex and could benefit from a multi-systemic approach. The probation officer and supervisor must facilitate the meeting, which may also include the child's family, the state's attorney, school officials, treatment providers, and state agency representatives as deemed appropriate. Recommendations to modify the probation supervision conditions, including residential placement, must be considered and approved by the court.

Predispositional Study

Under the bill, a child may only be placed on probation supervision with residential placement in a secure or staff-secure facility if CSSD has a current predispositional study that the court has reviewed and the (1) placement is indicated by the child's clinical and behavioral needs or (2) level of risk to public safety cannot be managed in a less restrictive setting. The court must consider all relevant reports, evaluations, and studies offered or admitted as evidence and the child's length of stay in a residential facility must be dependent on him or her making progress in treatment and attaining treatment goals.

Probation Supervision

Under the bill, at any time during the probation supervision with or without residential placement, the court may modify or enlarge the probation conditions for good cause shown after a hearing. The bill caps the length of time the court may extend the probation period by up to 12 months, for a total supervision period of 30 months. Current law allows the court to extend the probation as appropriate with no maximum length specified. As under existing law, the court must have a copy of the order delivered to the child and his or her parent or guardian and probation officer.

Probation Status Review Hearing

The bill permits the court, at any time during the probation supervision period, to convene a probation status review hearing. The probation officer may file an ex parte (i.e., private) request for a review hearing with the court clerk, regardless of whether a new offense or violation has been filed. The court may grant the request and convene a probation status review hearing within seven days if it finds that it is in the child's or the public's best interest. The officer must inform the child and parent or guardian of the scheduled court date and time. The child must be represented by counsel at the hearing.

Under the bill, if the child or his or her parents or guardian do not appear at the hearing, absent actual or in-hand service of the notice, the failure cannot be deemed willful. Instead, the court may continue the hearing to a future date and order the child and his or her parents or guardian to be served notice to appear in court. By agreement of the parties or when an evidentiary hearing concludes, the court may modify or enlarge the probation conditions and, if appropriate, order the child placed in a secure or staff-secure residential facility. But no placement may be ordered unless (1) it is indicated by the child's clinical and behavioral needs or (2) the level of risk cannot be managed in a less restrictive setting.

Violation of Probation

The bill allows the court, at any time during the probation supervision period, to (1) issue a warrant to arrest the child for violating the probation conditions or (2) issue a notice to appear to answer the charges of alleged violation. Current law permits the court to take such actions if a child allegedly violates the conditions of probation or suspended commitment.

The bill eliminates provisions that allow the court to continue or revoke a suspended commitment and, if the probation or suspended commitment to DCF is revoked, require the child to serve the commitment imposed or impose a lesser commitment. It allows the court to continue or revoke an order of probation supervision or

modify or enlarge the supervision conditions when a child violates a condition of probation supervision, as it may currently continue or revoke probation or modify or enlarge probation conditions when a child violates probation.

The bill also eliminates a requirement that CSSD notify local law enforcement when the court determines that a child or youth violated probation by failing to comply with electronic monitoring requirements.

§ 13 — JUVENILE JUSTICE SYSTEM GOALS

Modifies the goals of the juvenile justice system

The bill eliminates a requirement that the juvenile justice system promote prevention efforts through the support of programs and services to meet the needs of those charged with committing a delinquent act. It also makes various revisions to the statutory goals of the juvenile justice system. Principally, it requires the goals to include:

1. basing probation case planning on individual risks and needs, instead of basing probation treatment planning on individual case management plans as under current law;
2. providing community-based, instead of nonresidential post-release, services to juveniles returned to their families or communities; and
3. creating and maintaining developmentally appropriate and gender responsive programs for juveniles that incorporate restorative principles and practices, instead of creating and maintaining programs for juvenile offenders that are gender specific (i.e., comprehensively address the unique needs of a targeted gender group) as required under current law.

Currently, another system goal is to promote developing and implementing community based programs, including mental health services, to prevent unlawful behavior. The bill (1) eliminates the requirement that the programs include mental health services and (2)

requires them to be designed to prevent reoffending instead of unlawful behavior.

§ 14 — JUDICIAL BRANCH CONTINUUM OF COMMUNITY-BASED PROGRAMS

Requires the judicial branch to develop a continuum of community-based programs for reducing juvenile delinquency

The bill eliminates a requirement that the judicial branch develop constructive programs to prevent and reduce delinquency and crime among juvenile offenders. Instead, it requires the branch to develop a continuum of community-based programs for reducing juvenile delinquency. When appropriate, the judicial branch must coordinate the programs with DCF, SDE, DMHAS, the Department of Social Services, the Department of Developmental Services, and any other necessary agencies.

The continuum must be:

1. designed to address the individual risks and needs of juveniles;
2. able to take into account the juvenile's history, age, maturity and social development, gender, mental health, alcohol or drug use, need for structured supervision, and other characteristics; and
3. culturally appropriate, trauma-informed, and in the least restrictive environment possible in a manner consistent with public safety.

The branch must develop programs that provide research and evidence-based skills training and assistance to promote independent living skills, positive activities, and social connections in the juveniles' home communities. The programs must also address:

1. anti-sociality, impulse control, and behavioral problems;
2. anger management and nonviolent conflict resolution;
3. alcohol and drug use and dependency;

4. mental health needs;
5. inappropriate sexual behavior;
6. family engagement;
7. academic disengagement; and
8. technical and vocational training needs.

Under the bill, any program the judicial branch develops to prevent or reduce juvenile delinquency and crime must be gender responsive.

Existing law, unchanged by the bill, requires the branch to consult with the Commission on Racial and Ethnic Disparity in the Criminal Justice System to address the needs of minorities in the juvenile justice system.

§ 15 — DISCLOSURE OF JUVENILE MATTERS RECORDS AND INFORMATION

Eliminates DCF employees' access to records of juvenile delinquency proceedings and expands the circumstances in which information must be provided to the DMV

The bill eliminates DCF employees from those state employees who may access records of juvenile delinquency proceedings.

The bill also adds the following motor vehicle offenses to those for which records of delinquency proceedings must be disclosed to the DMV:

1. driving under the influence of drugs or alcohol (DUI)(CGS § 14-227a);
2. DUI while under age 21 with a blood alcohol content that exceeds .02% (CGS § 14-227g);
3. using, possessing with intent to use, delivering, possessing with intent to deliver, or manufacturing with intent to deliver drug paraphernalia with less than one-half ounce of marijuana (CGS § 21a-267(d)); or

4. possessing less than one-half ounce of marijuana (CGS § 21a-279a).

The bill also permits law enforcement officials to disclose information on a child who escaped from or failed to return from an authorized leave from court placement at a detention center or a secure or staff-secure residential treatment facility. Current law permits these officials to disclose information for a child who escaped from a detention center or a facility to which the court committed him or her. Existing law, unchanged by the bill, also permits law enforcement to disclose information about children who allegedly committed a felony and for whom an arrest warrant has been issued.

§ 16 — JUVENILE PROBATION OFFICER RESPONSIBILITIES

Modifies juvenile probation officers' responsibilities for investigations and juvenile supervision

Current law requires juvenile probation officers to investigate and report as the court directs or the law requires. In addition to investigating and reporting, the bill requires juvenile officers to make recommendations to the court, including pre-dispositional studies (i.e., a detailed examination of the circumstances around the offense, home life conditions, and school experience, among other things). Under the bill, the officers must provide supervision and make referrals to pre- and post-adjudication services based on the juvenile's risks and needs, as determined by the risk and needs assessment (see § 10). The officers must work collaboratively with treatment providers to ensure programs and services are adequately addressing the needs of juveniles they supervise.

The bill requires the officers to keep complete records of all cases they investigate or that are under their care, instead of requiring them to preserve a record of the cases.

It also eliminates provisions that permit investigators authorized by the chief state's attorney's office to arrest any juvenile on probation without a warrant if the juvenile violated the conditions of his or her probation. The law, unchanged by the bill, permits juvenile probation

officers to make the arrests or deputize another officer with arrest powers to do so.

§ 21 — DELINQUENCY DISPOSITIONS

Limits the possible dispositions available to the court when sentencing a child for a delinquent act

The bill makes various changes to the law regarding disposition of juvenile delinquency adjudications.

Factors the Court Must Consider

The bill adds the following factors to those the court must consider when determining the appropriate disposition for a child adjudicated as delinquent:

1. age and intellectual, cognitive, and emotional development;
2. prior involvement with (a) juvenile probation or (b) DCF as a committed delinquent;
3. history of participating in, and engaging with, programming and service interventions;
4. identified services, programs, and interventions that will best address the child's needs and risk of reoffending, as indicated by the CSSD-administered risk and needs assessment (see § 10); and
5. level of supervision the assessment indicates and any other relevant evidence.

The bill also eliminates from the factors the court must consider the child's culpability in committing the offense including his or her level of participation in planning and carrying out the offense.

Existing law requires the court to consider such other things as the seriousness of the offense, victim impact, and aggravating and mitigating factors.

Disposition

The bill eliminates several of the ways that the court may dispose of

a delinquency case when a child is adjudicated delinquent. Currently, the court may:

1. order the child to participate in an alternative incarceration program, a program at DCF's wilderness school, a youth service bureau program, or community service;
2. withhold or suspend execution of any judgment; or
3. for minors convicted of possessing alcohol, impose a fine of between \$200 and \$500 for a second or subsequent offense (the first offense is an infraction with no specified fine).

The bill eliminates these options and instead permits the court to (1) discharge the child with or without a warning and (2) place the child on probation supervision with or without residential placement for up to 18 months, which may be extended to up to 30 months total. Current law permits the court to sentence a child to probation and extend the probation as deemed appropriate with no maximum length specified (see § 22 above).

The bill eliminates provisions that (1) require the court to commit a child to DCF if it finds that the probation services or other services available to it are not adequate for the child and (2) allow it to commit a child to DCF if the child is found to be mentally ill. It also eliminates a provision that authorizes a child adjudicated delinquent or judged to be from a family with service needs to be employed part-time or full-time at a useful occupation as a condition of probation or supervision in certain circumstances.

Additionally, it eliminates an obsolete provision allowing the court to commit a child it convicts as delinquent and finds to be "mentally deficient" to an institution for "mentally deficient" children and youths.

§ 32 — REPEALERS

Repeals various provisions related to certain judicial branch, DCF, and CSSD juvenile justice responsibilities

The bill repeals provisions that:

1. delineate the current duties and responsibilities of the judicial branch to provide programs and services to the juvenile justice system (CGS § 46b-121i);
2. require CSSD to design and make available to the judicial branch programs and probation treatment services for juvenile offenders (CGS § 46b-121j);
3. require CSSD to fund projects for a program of early intervention initiatives for juvenile offenders (CGS § 46b-121l);
4. require DCF to establish or designate secure facilities in the state to care for and treat children under Superior Court jurisdiction (CGS § 46b-126);
5. allow prosecutors to request that certain juvenile proceedings be designated as serious sexual offender or serious juvenile repeat offender prosecutions and establishes special proceedings for these cases (CGS §§ 46b-133c, -133d);
6. limit how long a child may be committed to DCF as a result of a delinquency adjudication and requires DCF to fulfill certain reporting requirements to the court for each such child committed to its care (CGS § 46b-141);
7. allow the court to order an assessment for placement in an alternative incarceration program in lieu of commitment to DCF or a juvenile detention center (CGS § 46b-141a); and
8. require CSSD to develop a probation treatment plan for each referred child (CGS § 46b-141b).

BACKGROUND

Related Bill

sHB 5041, reported favorably by the Judiciary Committee, contains similar provisions related to probation supervision with or without

residential placement, juvenile delinquency dispositions, juvenile justice system goals, records disclosures, and judicial branch responsibilities.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 22 Nay 19 (04/04/2018)